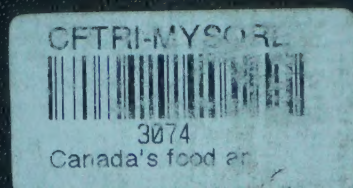


FOOD LAW INSTITUTE SERIES

CANADA'S FOOD AND DRUG LAWS

R.E. CURRAN



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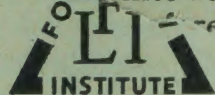
CANADA'S FOOD AND DRUG LAWS

by

ROBERT EMMET CURRAN, B.A., LL.B., Q.C.



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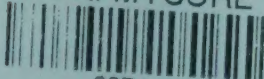
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TO—Charles Wesley Dunn of the New
York Bar, in recognition of his
vision and leadership towards a
better international understand-
ing of the food and drug law.

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Foreword

This is the fifth research book in the "Food Law Institute Series". The first book was a compilation of the official annual reports on the pioneer 1906 Federal Food and Drugs Act and the succeeding 1938 Federal Food, Drug, and Cosmetic Act, from 1907 to 1949 (inclusive). The second book was a reprint of the first Kleinfeld-Dunn book on the Federal Food, Drug, and Cosmetic Act, which compiles the administrative and judicial record of this Act (as amended) from its enactment in 1938 to May 1949. The third book was the second Kleinfeld-Dunn book on the Federal Food, Drug, and Cosmetic Act, which compiles the additional administrative and judicial record of this Act (as amended) from May 1949 to January 1951. The fourth book was the third Kleinfeld-Dunn book on the Federal Food, Drug, and Cosmetic Act, which compiles the further administrative and judicial record of this Act (as amended) from January 1951 to January 1953. It also contains the supplemental false advertising law in the Federal Trade Commission Act and its judicial record to January 1953.

This fifth book is an annotated and indexed compilation of Canada's food and drug laws (including the cosmetic and other related laws), Dominion and Provincial. It also includes the text and detailed comments covering an Act Respecting Food, Drugs, Cosmetics and Therapeutic Devices passed by the Parliament of Canada in April 1953, but which is not expected to come into force until some time early in 1954. The inclusion of that Act, therefore, provides the latest legislative record on its important subject. The contents of this book are defined by a Table and its organization is explained in the Introduction.

The author of this book is Robert E. Curran, Q.C., of Ottawa, who is well qualified to deal with its subject. For since 1945 he has been the Legal Adviser to Canada's Department of National Health and Welfare, which administers its Food and Drugs Act, its Proprietary or Patent Medicines Act, and its Opium and Narcotic Drug Act. Mr. Curran graduated from the University of Manitoba, where he received the degrees of B.A. and LL.B. with honors. He practiced law in Winnipeg from 1930 until 1942 when he joined the Royal Canadian Navy. He served with the office of the Judge Advocate General and in 1943 was appointed Assistant Judge Advocate General (Navy). He retired from the Navy with the rank of Lieutenant Commander, at which time he joined the Department of National Health and Welfare as the Legal Adviser. Mr. Curran is Honorary Solicitor for the National Cancer Institute of Canada, the Canadian Association of Radiologists, the Canadian Association of Radiological Technicians, and the Canadian

Diabetic Association. He is also a Founder and Director of the Canadian Arthritis and Rheumatism Society.

The Food Law Institute, Inc., is a public organization. It was established by leading food manufacturers in 1949, as a contribution to the national welfare; and they principally finance it. The Institute is designed to provide a due knowledge and understanding of the food and drug law (including the cosmetic and other associated laws), through a basic research study of it and a basic university education in it; in order thus to advance a due state of this great public law. To effect that objective the Institute has organized two programs. The first program is to develop basic research books on the food and drug law, which constitute a necessary and an authoritative reference library on it. They are the books published by the Commerce Clearing House, Inc., in the "Food Law Institute Series". The second program is to inspire basic instruction in the food and drug law, by university law schools and other interested university schools; which is required by the profound social and economic and legal importance of this law. Significant progress has also been made in that program.

CHARLES WESLEY DUNN

President, The Food Law Institute, Inc.

October 1, 1953.

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Introduction

In accepting the invitation of Mr. Charles Wesley Dunn on behalf of the Food Law Institute to prepare a compilation of Canada's food and drug laws, I was fully conscious of the magnitude of the task. At the same time, I was deeply aware of the need for such a compilation and that some beginning had to be made, even though it be of a "small candle" variety.

With all modesty, and conscious of the many shortcomings from which this compilation suffers, I nevertheless offer it as an introduction to a subject which has been overlooked for too long.

Without the help and counsel of friends, advisers and professional associates, both in federal as well as in provincial departments of government, it would not have been possible to assemble the material that is contained in this book. The assistance which I have received is gratefully acknowledged, and while it is not possible to mention, by name, everyone who contributed of time or effort, I am particularly grateful to my colleague, Mr. Neil G. Price, B.A. B.C.L., of the New Brunswick Bar, to my old friends, Dr. C. A. Morrell, M.A., Ph.D., F.R.S.C., Director of Food and Drug Divisions, and Mr. R. D. Whitmore, O.B.E., former Chief of Inspection Services of the Food and Drug Divisions of the Department of National Health and Welfare; to Mr. C. H. Kenney of the Department of Agriculture, Information Service, who so kindly obtained from the appropriate officers of that Department, technical and other information relating to the agricultural statutes, and to Mr. Ozere, Legal Adviser of the Department of Fisheries, along with officers of the provincial departments of Health, Agriculture and Fisheries.

To all of these I am indebted for helpful suggestions and criticisms, as well as for the furnishing of material.

To my associates in the Department of National Health and Welfare, and particularly to those in the Legal Division who contributed generously of their time and effort, I give grateful thanks.

A word of explanation respecting my approach to the subject.

With a subject so vast and complicated as that covered by our food and drug statutes, there are, of course, an infinite number of ways with which it could be treated and it would be difficult, except on the basis of a comparison of the finished treatment as reflected in a number of compilations, to determine which was the best.

One of the first impressions which I received on becoming interested in the subject of the food and drug law, was the difficulty of relating or integrating the various federal and provincial food and drug laws.

Indeed, as regards certain problems which required to be answered, it seemed as though the statutes reflected a chaotic rather than an orderly approach to the subject.

Amongst the many difficulties which would be encountered by anyone approaching the subject, are the lack of definition or classification of what is the food and drug law, the division of jurisdictional powers between the Parliament of Canada and the ten provinces, with consequent appearance of duplication or overlapping of subject; the lack of uniformity of nomenclature in statutes dealing with the same subject; and the variety of statutes as well as of amendments to be collated.

In addition to all of these difficulties, some of which are more or less of a mechanical nature, a further, and perhaps the greatest, difficulty arises because of the lack of precise division of subject matter or purpose, as between statutes at the various levels of government.

These, amongst other complexities, were to me somewhat disturbing until I had had an opportunity to familiarize myself not only with the legislative divisions of the subject matter but also the administrative divisions and approaches by the various departments of government, both federal and provincial.

I would not wish it to be thought that, even with some slight familiarity with the subject, all things became clear. It is not possible to give a precise meaning to the phrase, "food and drug law" nor easily explain seeming points of overlapping, duplication or lack of uniformity of treatment and in many cases of failure to deal with a subject.

With due regard to these things, I felt that at least it would be useful to assemble in one book, the texts of the important federal and provincial statutes and the regulations thereunder as they pertain to the manufacture and sale of food and drugs in Canada.

The availability of the texts of many statutes and amendments up to the end of 1951, should, in itself, be a convenience to anyone who seeks to follow the thread of the legislative pattern through the labyrinth of federal and provincial enactments.

Even with some selection of the statute material, from the point of view of direct relevancy, it immediately became apparent that the text must be supplemented by some explanation of the subject matter, of the constitutional position of the food and drug enactments, as well as of their historical development.

Without such an explanation it would be difficult to put into perspective the treatment given to the subject at various levels of government.

Somewhat arbitrarily, therefore, the Food and Drugs Act is treated as the basic or fundamental food and drug legislation, and other food and drug statutes are considered as related laws.

With this broad division, it again became necessary to make further division as between food and drugs, both at the federal as well as the provincial level, and further to classify many of the related statutes in terms of their scope and purpose.

The whole subject is, therefore, dealt with in seven Parts. Although the Table of Contents reflects the breakdown of the subject into these Parts, it may be useful to furnish some explanation of them.

Part I, which consists of Chapters 1 to 4, attempts to put the entire subject into some degree of perspective and to provide a background against which the detailed discussion of the present Food and Drugs Act becomes more understandable.

Chapter 1 accordingly reduces the subject to one of formula or definition, and Chapter 2 explains in as non-technical a way as possible, the constitutional position in Canada of laws respecting food and drugs.

Because it cannot be considered that the Food and Drugs Act is either exclusive or exhaustive of the law as it pertains to food and drugs, Chapters 3 and 4 deal with a number of related federal and related provincial laws which are also concerned with the production, manufacture and sale of food and drugs.

Chapters 3 and 4 of Part I are complemented in Parts V and VI which, respectively, set forth the texts of the related federal statutes and the regulations that are discussed as well as of certain of the provincial statutes and regulations.

Part II, which consists of Chapters 5 to 10, is devoted to a detailed discussion of the Food and Drugs Act. This discussion deals with the historical development of the law, the use of regulations, special provisions for food and for drugs including adulteration, misbranding, advertising and labelling, as well as the provisions of the Act for its administration and enforcement.

In the historical discussion of the development of the law, reference is made to certain early English statutes relating to adulteration as well as to a number of the more important Canadian Acts, in chronological order.

Part III contains the texts of the early English adulteration statutes that are referred to, namely, the statutes of 1860, 1872 and 1875.

Part IV contains the texts of the successive Canadian food and drug Acts commencing with the first enactment of 1874. In addition to setting forth the text of each of the various Acts in chronological order, Part IV also contains a consolidation of the present Act and the text of the Regulations that have been made under it as of January 1, 1952.

The purpose in reproducing the complete texts of these various English and Canadian statutes is to provide convenience of reference and also because they are not likely to be readily available to the reader. Their historical value and significance is considered sufficient to warrant their reproduction in Parts III and IV.

As already indicated, Parts V and VI complement Chapters 3 and 4 of Part I.

Part VII, which is the concluding part, contains the text and some detailed explanation of "An Act respecting Food, Drugs, Cosmetics and Therapeutic Devices" which was passed by the Parliament of Canada in April of 1953.

As is explained in that part, this Act will come into force on Proclamation. This will likely be during the Spring or early Summer of 1954 and when it does will replace the Food and Drugs Act which is in force at the time of writing. The purpose in delaying the Proclamation is so that the Food and Drug Regulations which are now in force can be revised wherever necessary to be brought into conformity with any changes made to the subject by the new Act. The Proclamation when it issues, therefore, will revoke the Food and Drugs Regulations which are now in force and substitute therefor those Regulations as they will have been revised.

The above constitutes, in broad outline, the division of subject matter and of the approach that was adopted to deal with it. It is not suggested that it is the best that could be made, but it is hoped that it will enable a reader who is not familiar with the scope and purpose of the Canadian laws, to acquire sufficient general knowledge and background to understand the legislative treatment of food and drugs in Canada.

It may be useful, particularly to persons in other countries who do not have ready access to the text of Canadian statutes, to have the material so assembled with some explanation even though the explanation must, in some respects, reflect only the author's interpretation of its purpose and scope.

One of the chief difficulties confronting anyone in assembling the extensive material which is contained in a compilation such as this, is the preparation of suitable source references for access to it. The value of a book which attempts to present in up-to-date form the text of such a variety of statutes and regulations, many of which will have

been amended before this book appears in print, lies in the readiness with which any required information can be located. This is accordingly attempted by means of a comprehensive Table of Contents and a complete topical Index.

Where a statute or regulation prescribes a form, such form is listed, not only in the Table of Contents under the appropriate Act or Regulations, but may also be located under the heading, "Forms", in the Index.

It is the usual practice with Canadian statutes to indicate briefly the subject matter of each of the sections by what are called marginal notes. For convenience these marginal notes have been retained in the reproduction of the statutes that are set forth in the book but instead of being printed as marginal notes at the side of each section, are set forth in distinctive type at the beginning of each section.

Because of the constantly changing nature of the subject matter and the length of time involved in the printing and publication of a book of this kind, it is inevitable that there will be changes in the statute law and regulations which cannot be reflected in it. It, therefore, became necessary to select somewhat arbitrarily a cut-off date in this connection and January 1, 1952 was originally selected. In view of the fact that a new Food and Drugs Act was pending during the Summer of 1952 and because all of the federal statutes were being consolidated in that year, publication was delayed from its original date until the early Fall of 1953. The federal laws and regulations are, therefore, as of January 1, 1953 and as regards the provincial laws these are shown as of January 1, 1952 but with an addendum to Part VI indicating the nature of any significant changes made to provincial laws during 1952.

It might be pointed out that while these dates are mentioned as the cut-off dates, every effort has been made to reflect changes up to the last possible minute before going to press.

At appropriate places throughout the book, the author suggests that the reader take care to ascertain whether a particular statute, regulation, or the narrative explanation thereof, has been affected, modified, or amended by some change in the law since publication. While this situation will likely be thoroughly understood and appreciated by the reader, it nevertheless should be emphasized.

There is, perhaps, one further matter that may be appropriate to mention, and that is the lack of jurisprudence as regards the interpretation of the food and drug laws.

Of the cases that are mentioned and dealt with, the bulk are concerned with the constitutional position of the law as between the

federal and provincial authorities. There are few cases on the interpretation of the substantive provisions of the law and this, without explanation, might seem curious to the reader of another country who is accustomed to extensive jurisprudence concerning the food and drug statutes thereof.

This has been the subject of explanation in Chapter 10 as regards the administration and enforcement of the Food and Drugs Act. The reasons which are set forth in connection with that Act are equally applicable to the other statutes dealt with in this book, because all, except the Opium and Narcotic Drug Act, invoke the summary conviction procedure in their enforcement.

A somewhat different situation exists as regards the Opium and Narcotic Drug Act in respect of which considerable jurisprudence has been established. It is not, however, related to the purpose of this book to deal with the jurisprudence under that Act which is essentially concerned with the illegal possession and distribution of narcotic drugs.

It is hoped that this compilation may be of value, not only to those who are concerned with the administration of Canada's food and drug laws, but also to manufacturers, distributors and retailers, and last, but not least, to members of the consuming public, for whose benefit and protection all food and drug laws are in final analysis directly or indirectly enacted.

R. E. C.

Ottawa, Canada,
July, 1952.

PART I

General

CHAPTER 1—WHAT IS THE FOOD AND DRUG LAW?

Of all the laws that have been enacted in Canada, there are few that can be said to exercise a greater or more continuous influence upon the lives and habits of the Canadian people, as well as upon the agricultural and industrial life of the country, than those which relate to the subject of food and drugs. These laws are of the greatest social and economic importance. They reach deeply into every home and, at the same time, affect industry in all stages and at all levels.

No matter how well or scantily lined is the kitchen cupboard or the bathroom medicine cabinet, the contents have been subject to a law, or, more likely, to a variety of laws throughout the entire course of their production, manufacture and distribution. Included in these laws there will certainly be one or more federal enactments, as well perhaps, as provincial and municipal enactments.

It follows, therefore, that the laws which affect the production, manufacture and distribution of foods and drugs, must affect the industry that is concerned with these commodities and it is this law, its scope and purpose, that will be the subject of the discussion in this chapter.

The common use of such expressions as "The Pure Food Act", the "Pure Food and Drugs Act", the "Drugs Act" and others, would suggest that there is in Canada a single statute which governs the subject of food and drugs. Anyone who has had occasion to deal with a problem that involves the production, manufacture, distribution or sale of food or drugs, and who has attempted to find out what is the relevant law affecting this problem, would heartily wish that this were so.

Unfortunately, there is no single statute that deals wholly with the production, manufacture, and distribution of a product. Narcotic drugs, perhaps, come closest to being a subject that is dealt with exclusively and exhaustively in a statute, but here again, while the Opium and Narcotic Drug Act purports to contain the complete code for the handling of narcotic drugs in Canada, the subject is also dealt with in a number of provincial pharmacy acts, as well as by the Criminal Code of Canada.

In the case of food, the Maple Products Industry Act reflects the attempt of Parliament to deal exhaustively with a food, but here again the subject of the statute is also dealt with in the province of Quebec by regulations made under the Agricultural Products Act of the province. These regulations likewise attempt to deal exhaustively with maple products in the province.

Accordingly, at the federal level, there are a number of statutes that deal with both foods and drugs, either generally or individually. An examination of the Table of Statutes will indicate the large number

and variety of such enactments, each concerned with some phase or other of the production, manufacture or distribution of a food or a drug.

At the provincial level, there is considerable duplication of legislative effort, but from a different point of view. This may be an attempt to supply enabling provincial legislation to support or fill in an area that because of the constitutional position of the Parliament of Canada and of the legislatures of the provinces, is not covered wholly by the federal legislation, or it may be an attempt by the legislatures to deal from a provincial point of view with some phase or other of the manufacture or distribution, of a food or drug in the province.

There are, therefore, involved in the subject of the food and drug laws, not a single statute, but a variety of statutes, and likely at two levels of government

These laws or statutes are all concerned with the production, manufacture, and distribution of food and drugs, but each for a particular purpose, and it is perhaps in accordance with some classification of these purposes that the subject may be easier to understand.

Irrespective, therefore, of whether the statute is a federal statute or a provincial statute, it may be convenient to classify it broadly as a 'consumer's' protection act or a 'producer's' and, in some cases, a 'vendor's' benefit act. This division is particularly applicable in the case of foods, but less so in the case of drugs. While a broad division of the subject matter can usually be made on the basis of the statute being a 'consumer's' or 'producer's' act, it is not always possible to say with precision that the statute falls logically into one or the other of these classifications. It may also incorporate in its provisions, matters of regulation and control which cannot be ascribed either to the protection of the consumer or the protection or benefit of the producer, for example, the Convention with United States (Sockeye Salmon Fisheries) Act.

Illustrations of statutes, however, which do fit with some degree of precision and relevancy in this broad classification may be found in the Food and Drugs Act as a 'consumer's protection' act and in the Dairy Industries Act (replaced by the Canada Dairy Products Act) as a 'producer's' protection or benefit Act. Insofar as the latter illustration is concerned, it could undoubtedly be argued with force that this is primarily 'consumer protection' legislation in that it guards the standards of dairy products and prevents their depreciation or debasement. An examination of this legislation, however, would indicate that it is primarily intended to protect the dairy industry, with of course some consequential benefit to the consumer.

While it might be difficult, apart from certain specific examples, to find a statute that is wholly a 'consumer statute' or a statute that is wholly a 'producer statute', these expressions have nevertheless acquired some meaning that is intended to describe the essential purpose of the legislation in question. Other statutes, either from their subject matter, or perhaps from their titles, may suggest the group in which they may belong. For example, the Live Stock and Live Stock Products Act, the Fruit, Vegetables and Honey Act, and

the Maple Products Industry Act, would suggest that their purpose is essentially the production and distribution of the commodities referred to in their titles. Conversely, statutes dealing with bread and milk as in the case of the Uniform Weight of Bread Act and the Milk Act of the Province of Prince Edward Island, amongst others, would suggest that their essential purpose is the protection of the consumer rather than merely the production and distribution of the products which they deal with.

While there is no single statute which deals wholly or exhaustively with all phases of the production, manufacture and distribution of food and drugs, in common usage the reference to the "food law" or the "food and drug law" is usually identified with the Food and Drugs Act.

Historically, there is good reason for this identification and as the Food and Drugs Act is the basic legislation which deals with foods and drugs, jointly as well as severally, it may be appropriate to give the emphasis to it as the basic food and drug law of the country, and to discuss other statutes, both federal and provincial, as related food and drug laws. This perhaps is the simplest as well as the best understood division and classification of the statute law and the reference to the basic law or to the food and drug law will be to that law that is contained in the Food and Drugs Act.

Other statutes, even though they seem to deal with the subject, or part of it, in the same way or for the same purpose as is done in the Food and Drugs Act will, on examination, be seen to do so from a different point of view, or in a different legislative capacity. Historically, as well as traditionally, therefore, it is proper to relate the expression "food and drug law" to the Food and Drugs Act, and to consider all other food and drug legislation as related to it in some way or other.

Originally, food laws were concerned only with the narrow aspects of fraud and deceit as might be employed in the sale of certain foods such as bread, tea, ale. The early laws which dealt with drugs were less concerned with their therapeutic benefits than with their use as poisons. Prior to 1860, foods were dealt with as individual subjects and in individual statutes. In that year in England, however, an attempt was made to deal broadly with the sale of foods in a single statute and the subject was thus generically treated as had previously been done in the case of individual foods. From 1872 onward, in England, foods and drugs have been identified in a statute, which, however intitled, is the law contained in the basic food and drug law. (See Part III).

In Canada, the first statute which dealt jointly with the subject of food and drugs was passed in 1874 and from that year onward, as will be discussed in Chapter 5, the basic law in Canada has dealt jointly with the subject.

This bringing together of the subject matter of food and drugs in a single statute, set the form and cut the pattern for food and drug legislation in all of the English-speaking countries of the world.

Although food and drugs have been joined in a single statute, which for convenience is referred to as the basic law, it is seldom that a reference to the statute includes both foods and drugs, but almost

invariably it will be in connection with either foods or drugs. Accordingly, in discussing the basic law and the related food and drug laws, it is necessary to do so insofar as they respectively relate to foods and to drugs. The later chapters will, therefore, attempt to deal with the subject of foods and with the subject of drugs separately, even though they may legislatively be treated in a single statute.

Having reduced the scope of this compilation to the basic law and to the related laws, it is appropriate to discuss the kind of laws which may properly be considered to come within the latter phrase. These laws will be dealt with as related federal laws or related provincial laws in other chapters, but at this point, some explanation will be furnished of the criteria employed to determine whether a particular statute, federal or provincial, properly comes within the scope of the phrase and therefore should be included in this compilation.

As can well be imagined, having regard to the complexity as well as the scope of the subject of food and drugs, it is not feasible, nor is it possible, to establish a single criterion or even a uniform set of rules to determine the relevancy or otherwise of particular statutes.

Obviously, the only complete treatment of a subject so vast would be the actual reproduction of every statute, whether it be federal, provincial or municipal, which deals directly or indirectly with any phase of the production, manufacture, distribution, sale or consumption of a food or drug. A compilation which undertook so ambitious a task would require many thousands of pages and even before its printing would be out of date as regards some particular act or regulation, to say nothing of the changing jurisprudence. The scope of this compilation is, therefore, limited by the physical requirements of space, but in addition to this, there is perhaps another limitation, and that is the relevancy of the subject insofar as the requirements of the average reader may be concerned. It is considered that the average reader is less concerned with the philosophy of the law or with having available every word that is contained in all of the statutes of the country, than with an explanation of the purpose and relationship of the respective laws and some ready reference to the text of certain of the acts and regulations which deal with the manufacture and sale of foods and drugs.

Amongst the criteria, therefore, that have been employed is, of course, the classification of the statutes into 'consumer' and 'producer' legislation. Legislation that is intended to protect the public from injury to health, from harmful or potentially injurious substances used as foods and drugs and from fraudulent exploitation in their manufacture and sale is considered to come within the scope and purpose of this compilation. Legislation that is intended to regulate the distribution and sale of a food and drug through the imposition of special regulatory and other requirements in its manufacture, distribution and handling, or which otherwise relate to quality, merit, value and safety of food and drugs, are likewise considered to come within the scope of the compilation.

Legislation, however, which deals only with the stimulation of production, the establishment of matters primarily important to Canada's export position, the raising of revenue as well as legislative control on consumption of such things as alcoholic beverages are not

considered to meet the criterion which of necessity is an arbitrary one. Thus, the subject of customs and excise and the provincial liquor control laws, amongst others, do not properly fall within the scope and purpose of this publication, even though they may, and frequently do, have a very important bearing on the subject. The exclusion of these enactments, apart from reasons of space, is perhaps justified in that their essential purpose is neither the protection of the public nor the regulation of manufacture and distribution.

For convenience of the reader, the Table of Statutes contains a large number of such statutes as a practical reference source. All these statutes are not reproduced in this compilation as relating directly to the subject.

The importance of the food and drug law, whether it be in the basic law or in a related law, and regardless of whether the enacting authority is federal or provincial or municipal, cannot be over-emphasized. The public, however, is prone to take for granted the very complete protection that is afforded by these laws. The housewife who buys a pre-packaged food, does so in confidence that it contains the ingredients that she would expect it to contain, that it is pure within whatever meaning this phrase may have for her, and last, but not least, that it will have eye-appeal and will be palatable. The housewife, unfortunately, in taking for granted the extent of the protection that the law gives her, is not likely to realize the importance of the label legend, or to understand what each requirement of the legend is intended to accomplish. She possibly does not appreciate that the statement of net contents of containers, and, in the case of many commodities, that the size of the container in which a product must be packed, is fixed by law.

Likewise in the case of drugs, the public can shop with confidence, even if little thought is given to the law or laws which ensure this confidence. Here again, the public take for granted that the therapeutic potency of drugs is guaranteed, even though it is not understood or known which enactment does this.

It would probably be fair to say, as regards either a food or a drug, that the average member of the consuming public realizes that there is a law which protects the interest of the consumer, but does not know, or perhaps care, whether it is a federal or a provincial law, or even a combination of both.

The furnishing in this compilation of some explanation of the meaning of the phrase "food and drug law", and of the constitutional position of this law, together with an explanation of the statutes themselves, with their texts, may perhaps bring into some degree of perspective the legislative protection which both the public as well as the industry enjoys.

CHAPTER 2

CONSTITUTIONAL ASPECTS OF THE FOOD AND DRUG LAWS

Without some knowledge of the constitutional position in Canada as it affects the subject of the food and drug law, the variety and even multiplicity of statutes at the federal and provincial levels will confuse, if not bewilder, anyone seeking information.

When, however, one considers the number of enactments, both federal and provincial, which deal with one aspect or another of the food and drug law, it will be appreciated that the constitutional problems that are involved cannot exhaustively be dealt with in a single chapter of a compilation of this kind.

An attempt will be made to set forth in a very elementary way a review of the constitutional status of the food and drug laws which may help persons who are not acquainted with the Canadian constitution to understand some of the problems that arise under it. As regards persons who are familiar with the constitutional basis of the food and drug laws it is necessary to emphasize that it is not intended to be other than an elementary discussion.

Like the British constitution, the Canadian constitution is both written and unwritten. For the purpose of this Chapter, it is only that portion which is written and as explained in the jurisprudence that need be considered.

The written portion of the Canadian constitution is contained in the British North America Act, 1867, as amended, which is usually referred to as the B.N.A. Act and in the Statute of Westminster, 1931. These are both statutes of the Parliament of Great Britain, and being statutes of that Parliament are not amendable by other than an act of that Parliament.

In 1867 as a result of a movement which had developed to give to Canada the status of a Dominion, the Parliament of Great Britain passed the British North America Act, the preamble of which is self-explanatory:

THE BRITISH NORTH AMERICA ACT, 1867

30-31 Victoria, Chapter 3

"An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for Purposes connected therewith.

(29th March, 1867.)

"WHEREAS the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their Desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom:

"AND WHEREAS such a Union would conduce to the Welfare of the Provinces and promote the Interests of the British Empire:

"AND WHEREAS on the Establishment of the Union by Authority of Parliament it is expedient, not only that the Constitution of the Legislative Authority in the Dominion be provided for, but also that the Nature of the Executive Government therein be declared:

"AND WHEREAS it is expedient that Provision be made for the eventual admission into the Union of other Parts of British North America."

Canada now consists of ten provinces namely: Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia together with the Northwest Territories and Yukon Territory. As a federal state, Canada has a central form of government with each of the ten provinces enjoying a degree of autonomy as provided under the Constitution. The Northwest Territories and the Yukon Territories to a considerable extent enjoy the status of provinces but are administered under special legislation of the federal Government and do not have a form of elected government comparable to that of the provinces.

The British North America Act is substantially concerned with the legislative powers of the central or federal government and of the provincial governments. It does not deal exhaustively with judicial or executive powers and makes no provision respecting conventions. While it does purport to deal with the legislative executive and judicial powers, it does so by dividing the totality of government between the central government and the respective provinces. It does not divide them in terms of categories and is, therefore, not a three-fold division of functions such as exists under the Constitution of the United States, but merely divides such powers in terms of subject matter leaving it to interpretation as to whether a legislative executive or judicial power is vested in the federal government or in the provinces. Space would not permit nor is it necessary for the purpose of this chapter to review the interpretative processes which have marked the development of Canadian constitutional law since 1867.

The British North America Act in dividing between the central government and the provinces the legislative powers to be exercised in Canada, assigned to the provinces the exclusive right to make laws only in relation to the subject matters therein set forth and reserved to the federal authority the residue of all law-making power. Constitutionally, therefore, Canada differs from the United States in that the residue of legislative power rests with the federal government and the provincial governments are autonomous only to the extent of the authority expressly assigned to them.

The subject of food and drugs is not mentioned anywhere in the British North America Act. The constitutional jurisdiction to deal with it must therefore be found in the inclusion under one or other of the headings which are specifically set forth.

It would not be possible in the space of this chapter, nor is it essential for the purpose of understanding the constitutional position involved in the food and drug law, to review the jurisprudence that has marked the development of Canadian constitutional law since 1867. It is essential, however, to consider sufficient of that jurisprudence to understand the factors which determine whether the subject matter of legislation respecting food and drugs is in relation to a power given to the provincial governments or to the federal government or whether it may in one phase or other come within both.

There are three sections of the British North America Act which must be considered in relation to the subject of food and drug laws. These respectively are: Section 91, which provides for the legislative authority of the Parliament of Canada; Section 92, which provides for the matters in relation to which the legislatures of the provinces have exclusive jurisdiction; and Section 95, which provides for concurrent powers of legislation respecting the subject of Agriculture. For convenience, these sections are respectively set forth as follows:

Section 91—It shall be lawful for the Queen, by and with the advice and Consent of the Senate and House of Commons, to make laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms in this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say:

1. The Public Debt and Property.
- *2. The Regulation of Trade and Commerce.
 - 2A. Unemployment Insurance
3. The raising of Money by any Mode or System of Taxation.
4. The borrowing of Money on the Public Credit.
5. Postal Service.
6. The Census and Statistics.
7. Militia, Military and Naval Service, and Defence
8. The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada.
9. Beacons, Buoys, Lighthouses, and Sable Island.
10. Navigation and Shipping.
11. Quarantine and the Establishment and Maintenance of Marine Hospitals.
- *12. Sea Coast and Inland Fisheries
13. Ferries between a Province and any British or Foreign Country or between Two Provinces.
14. Currency and Coinage.
15. Banking, Incorporation of Banks, and the Issue of Paper Money.

16. Savings Banks.
17. Weights and Measures.
18. Bills of Exchange and Promissory Notes.
19. Interest.
20. Legal Tender.
21. Bankruptcy and Insolvency.
22. Patents of Invention and Discovery.
23. Copyrights.
24. Indians and Lands reserved for the Indians.
25. Naturalization and Aliens.
26. Marriage and Divorce.
- *27. The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure of Criminal Matters.
28. The Establishment, Maintenance, and Management of Penitentiaries.
- *29. Such Classes of Subjects as are expressly excepted in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any Matter coming within any of the Classes of Subjects enumerated in this Section shall not be deemed to come within the Class of Matters of a local or private Nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

Section 92—In each Province the Legislature may exclusively make laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say:

1. The Amendment from Time to Time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the Office of Lieutenant Governor.
2. Direct Taxation within the Province in order to the Raising of a Revenue for Provincial Purposes.
3. The borrowing of Money on the Credit of the Province.
4. The Establishment and Tenure of Provincial Offices and the appointment and Payment of Provincial Officers.
5. The Management and Sale of the Public Lands belonging to the Province and of the Timber and Wood thereon.
6. The Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province.
7. The Establishment, Maintenance, and Management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.
- *8. Municipal Institutions in the Province.
- *9. Shop, Saloon, Tavern, Auctioneer, and other Licenses in order to the raising of a Revenue for Provincial, Local, or Municipal Purposes.
10. Local Works and Undertakings other than such as are of the following Classes:—
 - (a) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province.
 - (b) Lines of Steam Ships between the Province and any British or Foreign Country:

(c) Such Works, as, although wholly situate within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general advantage of Canada or for the Advantage of Two or more of the Provinces.

11. The Incorporation of Companies with Provincial objects.
12. The Solemnization of Marriage in the Province.
- *13. Property and Civil Rights in the Province.
14. The Administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction and including Procedure in Civil Matters in those Courts.
15. The Imposition of Punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any Matter coming within any of the Classes of Subjects enumerated in this Section.
- *16. Generally all Matters of a merely local or private Nature in the Province.

Section 95—In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from Time to Time make Laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any Law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

Owing to the fact that the subject of food and drugs is not directly mentioned in the sections dealing with the division of powers, it becomes necessary to find some class or subject which directly or by necessary implication is broad enough to include it. Owing to the division of powers, the possibility of legislative conflict must, however, inevitably arise when a subject may involve matters of both federal and provincial concern.

It is from these two difficulties that so much of the constitutional jurisprudence has sprung, and it will be the purpose of this chapter to attempt to explain, in as simple a way as possible, the judicial criteria for the determination of the jurisdictional factors necessary for the proper segregation of the legislation into its appropriate legislative field.

From the various decisions of the courts of Canada, as well as of the Judicial Committee of the Privy Council (which is frequently referred to as the "Board") there have been laid down certain requirements or canons of construction for the interpretation of Sections 91, 92 and 95 insofar as any question of overlapping or conflict of jurisdiction may be involved.

It should be mentioned that in 1950, appeals to the judicial committee of the Privy Council in civil matters were abolished. Appeals to the Judicial Committee in criminal matters had been abolished some years previously. The Supreme Court of Canada is now the highest court of final resort in Canada except as regards litigation which may have been commenced prior to 1950, in which case, all rights of appeal as then existed, are preserved.

While the general rules of construction have been variously stated by authors and judges, they are, perhaps, most succinctly set forth by Lord Tomlin in the decision of the Judicial Committee in re Fisheries Act 1914, 1930, 1 D.L.R. 194 at 196.

"Questions of conflict between the jurisdiction of the Parliament of the Dominion and provincial jurisdiction have frequently come before their Lordships' Board, and as the result of the decisions of the Board the following propositions may be stated:

"(1) The legislation of the Parliament of the Dominion, so long as it strictly relates to subjects of legislation expressly enumerated in s. 91, is of paramount authority even though it trenches upon matters assigned to the provincial legislature by s. 92 (see *Tennant v. Union Bk.* (1894) A.C. 31.)

"(2) The general power of legislation conferred upon the Parliament of the Dominion by s. 91 of the Act in supplement of the power to legislate upon the subjects expressly enumerated must be strictly confined to such matters as are unquestionably of national interest and importance, and must not trench on any of the subjects enumerated in s. 92 as within the scope of provincial legislation unless these matters have attained such dimensions as to affect the body politic of the Dominion (see *A.G. Ont. v. A.G. Dom.* (1896) A.C. 348).

"(3) It is within the competence of the Dominion Parliament to provide for matters which, though otherwise within the legislative competence of the provincial legislature, are necessarily incidental to effective legislation by the Parliament of the Dominion upon a subject of legislation expressly enumerated in s. 91 (see *A.G. Ont. v. A.G. Can.* (the Assignments & Preferences Case) (1894) A.C. 189 and *A.G. Ont. v. A.G. Dom.*, (1896) A.C. 348).

"(4) There can be a domain in which provincial and Dominion legislation may overlap in which case neither legislation will be ultra vires if the field is clear, but if the field is not clear and the two legislations meet the Dominion legislation must prevail (see *G.T.R. v. A.G. Can.* (1907) A.C. 65)."

If the purpose of this chapter was concerned with constitutional problems at large, and not only with the more limited points involved in determining the validity or otherwise of food and drugs legislation, it would be necessary to examine a large number of decisions extending over the past 75 years. The subject of constitutional law, as would be seen from these decisions, is one of considerable complexity, and great difficulty is sometimes found in attempting to reconcile decisions seemingly in conflict.

Fortunately, it is not necessary to examine in such detail the interpretative processes and judicial techniques that have been employed in constitutional jurisprudence, because the purpose of this discussion is limited to certain of the food and drug laws that are reproduced in this book. Of these, the Food and Drugs Act becomes of the major importance, and with some explanation of the constitutional basis on which it rests, together with a discussion of a number of the related federal and provincial laws, the reader will be aware of the questions that must be answered in each case, with sufficient indication and guidance of the considerations that are necessarily involved therein.

The discussion of the status of the Food and Drugs Act and other food and drug laws is materially assisted by the judgment of the Judicial Committee in a recent case that is generally referred to as "Margarine Reference Case". (1950, 4 D.L.R. 689.) This case was

concerned with Section 5(a) of the Dairy Industry Act which purported to make illegal the manufacture and sale of margarine in Canada. The arguments which were advanced both in support of the legislation, as well as against its validity, identify the particular classes of subjects contained in Section 91, 92 and 95 under which a food law might be included and crystallize the various bases on which such a federal law must ordinarily rest.

Because of the significance of the Margarine Reference Case, it is set forth in full at the end of this chapter. In order, however, to follow the discussion, it may be convenient to summarize certain of the salient points that were involved.

Since 1886, and except for a brief period during World War I, the manufacture and sale of margarine had been prohibited in Canada. Doubts had been expressed from time to time concerning the validity of the prohibition, but no judicial action had been taken until it was decided by the Government to refer the issue to the Supreme Court of Canada under the provisions of Section 55 of the Supreme Court Act. This section authorizes the reference of constitutional questions to the court for an opinion.

Section 5(a) of the Act which was the subject of the reference is as follows:

No person shall,

- (a) manufacture, import into Canada, or offer, sell or have in his possession for sale, any oleomargarine, margarine, butterine, or other substitute for butter, manufactured wholly or in part from any fat other than that of milk or cream."

It was conceded in the stated facts that no health problem was involved in the manufacture and sale of margarine as manufactured by modern methods. The Supreme Court of Canada by a majority decision of five to two, held that the legislation was *ultra vires* of the Parliament of Canada except as regards the prohibition on the importation of margarine. The Crown appealed from this decision to the Judicial Committee of the Privy Council, and it is the opinion of the Committee that is set forth at the end of this Chapter.

Four main arguments were advanced by the Crown as follows:

1. The section was legislation in relation to the Regulation of Trade and Commerce and, therefore, falls within Section 91(2) of the British North America Act.

In considering this contention their Lordships made reference to a number of decisions that had previously been before the courts in which the interpretation or proper meaning of the phrase "Regulation of Trade and Commerce" had been considered. Previous decisions had placed very substantial limitation on the meaning to be given to these words in relation to the authority of the Parliament of Canada as regards either the regulation or prohibition of individual forms of trade and commerce confined to a province. Insofar as the subject matter of the prohibition would be limited to interprovincial and export trade then no difficulty would arise, but to the extent that the prohibition would also extend to matters wholly confined to a province then the decisions had invariably held that this was beyond the competence of Parliament under the authority in question. The Judicial Committee adopted with approval a passage from the judgment of Duff C.J.C. in the Natural Products Case (1936), 3 D.L.R. 622, at 631 as follows:

"The enactments in question, therefore, in so far as they relate to matters which are in substance local and provincial are beyond the jurisdiction of Parliament. Parliament cannot acquire jurisdiction to deal in the sweeping way in which these enactments operate with such local and provincial matters by legislating at the same time respecting external and interprovincial trade and committing the regulation of external and interprovincial trade and the regulation of trade which is exclusively local and of traders and producers engaged in trade which is exclusively local to the same authority (*The King v. Eastern Terminal Elevators Co.*, (1925) 3 D.L.R. 1)".

In disposing of this argument the Judicial Committee at page 696 said:

"The truth is that the present case is typical of the many cases in which the Board has felt bound to put some limit upon the scope of the wide words used in s. 91(2) in order to preserve from serious curtailment, if not from virtual extinction, the degree of autonomy which, as appears from the scheme of the Act as a whole, the Provinces were intended to possess . . . The necessity for putting such a limit leads to the rejection of counsel's first argument."

2. It was legislation relating to the criminal law and, therefore, within 91(27) of the British North America Act.

As to this, their Lordships said, at page 697:

"In the present case, the prohibition in s. 5(a) is in pith and substance a law for the protection and encouragement of the dairy industry in Canada. Incidentally, penalties are provided for any breach of the prohibition, but their Lordships are quite unable to regard this fact as sufficient per se to make the prohibition a law for the Peace, Order and good Government of Canada, in relation to the Criminal Law, . . . within the meaning of s. 91(27)."

3. It is a law for the Peace, Order and good Government of Canada in relation to a matter not coming within any of the headings of Section 92 of the British North America Act and is within the residuary power conferred by the opening words of s. 91.

As to this, their Lordships, after referring to a number of decisions of the Board as well as of the Supreme Court of Canada, said at p. 700:

"Their Lordships think it sufficient to say, in answer to this third argument, that the prohibition now under consideration relates to civil rights within each of the Provinces and that neither the facts set out in the Order of Reference, nor any other facts of which their Lordships could take judicial notice, lead to the conclusion that there exist in the present case the conditions which may override the normal distribution of powers in ss. 91 and 92."

4. It is a law "in relation to Agriculture in all or any of the Provinces" within s. 95 of the Act.

In dealing with the criminal law argument their Lordships had found that the object of the prohibition in question was not criminal law but to protect and encourage the dairy industry in Canada.

In considering the fourth contention, the Board adopted the reasoning of Mr. Justice Rand of the Supreme Court of Canada who in his judgment (*Margarine Reference case*) (1949, 1 D.L.R. 433) had pointed out that there was a distinction between legislation "in relation to" agriculture, and legislation which might produce a favourable effect on the strength and stability of that industry.

As to this, the Board said, at page 702 (1950 4 D.L.R.):

"It is 'the true nature and character of the legislation'—not its ultimate economic results—that matters: *Russell v. The Queen* (1882) 7 App. Cas. 829 at pp. 839-40 .

"The prohibition might well 'produce a favourable effect on the strength and stability' of the dairy industry; but the passage just quoted shows that this fact alone is not sufficient to make it legislation 'in relation to agriculture' within s. 95; and there is no other ground on which it can be brought within s. 95. To sum up, the connection between the prohibition and the operations carried on by farmers is too indirect and remote to bring the prohibition within the terms of s. 95, and for this reason counsel's fourth and last argument fails."

It will be seen that these four arguments involve substantially all of the classes of subjects under which the validity or otherwise of a federal food and drug statute could come. The decision therefore is of the greatest importance, not only in setting at rest the case for margarine, but also in clarifying the issues as they might apply to a statute, such as the Food and Drugs Act which is not limited to interprovincial commerce but has application to commodities in intraprovincial commerce as well.

The Food and Drugs Act is superficially, in many respects, comparable to the Dairy Industry Act in that it deals with the subject of food and imposes prohibitions and restrictions on its manufacture and sale.

Unlike the Dairy Industry Act, however, it is not an act for the protection of a particular trade or industry, and may therefore find support in one or more of the arguments which were unsuccessful in the *Margarine Reference* case. What can be argued to be a significant difference between the Dairy Industry Act and the Food and Drugs Act is supported by the statement of Rand J. of the Supreme Court of Canada in his judgment in the *Margarine* case at 474 (1949, 1 D.L.R. 433) where he says, in discussing *A.G. for British Columbia v. A.G. for Canada* (Reference section 498—A of the Criminal Code) (1937, 1 D.L.R. 688):

"There, the essential nature of the legislation was not the equalization of civil rights between competitors or promoting the interest of one trade as against another; it was the safeguarding of the public against the evil consequences of certain fetters upon free and equal competition. There is no like purpose here; there is nothing of a general or injurious nature to be abolished or removed; it is a matter of preferring certain local trade to others."

Although in the extract of the judgment of Rand J. the legislation referred to was designed to prevent combines in restraint of trades or practices to enhance prices or remove competition, the observations are equally pertinent to the Food and Drugs Act, in that it is intended wholly to protect the public against certain evils.

While the Food and Drugs Act has not been subjected to frequent judicial scrutiny, its constitutionality was directly challenged in *Standard Sausage Co., v. Lee*, 1934, 1 D.L.R. 706. In that case, the Court of Appeal for British Columbia unanimously found the act to be constitutionally valid as criminal law under Section 91(27).

While this decision does not have the weight of a decision of the Supreme Court of Canada or of the Judicial Committee of the Privy

Council, it nevertheless may be regarded as the leading Canadian decision on the validity of the Food and Drugs Act. The judgment, however, must be considered in relation to the *Margarine Reference* case, insofar as identical considerations could be said to apply.

Because of the importance of the *Standard Sausage* case as a judgment upholding the validity of the Food and Drugs Act, and also because of the very interesting historical review which it gives of early food and drug legislation, it is reproduced at the end of this chapter.

Having regard to the purposes of the Food and Drugs Act as the protection of the public against injury to health and from fraud its validity may be considered to rest upon a sound basis. It must be appreciated, however, that in the absence of specific inclusion in Section 91, the subject of any federal enactment is open to discussion as to whether it truly falls within one or other of the classes of subjects enumerated in that section, or whether it falls within a class of subjects enumerated in Section 92.

Each federal as well as provincial enactment, dealing with food and drugs must therefore be examined in the light of its purpose, either express or implied, and also against the criteria laid down in the constitutional decisions of which the *Margarine* case is the latest.

Although the Food and Drugs Act has been held in the *Standard Sausage* case to be criminal law, some arguments may still be advanced as to whether certain of its provisions are truly criminal law as being necessarily incidental to make effective a criminal statute. The same arguments may also arise as regards certain of the regulations which are made under the authority of the act.

It is well-settled law, that Parliament cannot, under the guise of criminal law legislation appropriate to itself jurisdiction in a field which would otherwise be within the exclusive competence of a province. When, however, the Parliament properly invokes its authority to legislate on a subject such as criminal law, then such legislation becomes paramount, even though in some respect or other it involves or relates to a subject that is exclusively provincial.

While every provision of the Food and Drugs Act, including its regulations, cannot be so worded as to express a prohibition and a sanction which is normally the phraseology of criminal law, yet these provisions and regulations must, nevertheless, be necessarily incidental or ancillary to the carrying out of the statute as a criminal law enactment. This is particularly so in considering regulations which purport to establish, or which are in effect, legal recipes for food and for drugs, and which prohibit the alteration or variation of such "recipes" under penalty of adulteration.

While it is not the purpose of this chapter to set forth *pro* or *con* arguments respecting the validity of regulations under the Food and Drugs Act, it may be appropriate to mention one or two significant points which undoubtedly would enter into any argument respecting their validity.

In Chapter 5 in discussing the development of the Food and Drugs Act, the origin of the authority to enact regulations which prescribe food standards is explained. As is pointed out in that chapter, the lack of a legal yardstick by which foods could be

measured, constituted a weakness which seemed likely to destroy or defeat the purpose for which the legislation was enacted. Accordingly, because of the necessity to find such a yardstick, authority was given to prescribe standards of quality for articles of food and drugs and failure to comply with such standards was regarded as adulteration. Whether on a proper interpretation the failure to comply with standards constituted the offence of adulteration, or whether it was rather misbranding is perhaps immaterial to the point in question.

Because the purpose of the law is criminal legislation it may, therefore, be argued that the authority to prescribe food standards in order to accomplish the purpose of the legislation is necessarily incidental to its effectiveness.

A further point which might be involved in an argument respecting the authority to prescribe food standards is the widespread recognition and acceptance of "legal recipes" as contained in food standards for the protection of the consumer. By no stretch of the imagination can the consumer be expected to know the constituents of processed foods nor would it be proper to apply the maxim of *caveat emptor* in the case of food and drugs. It might be argued that an honest label declaration of all of the constituents of a food or a drug was a sufficient warning to the purchaser. If such a requirement could be regarded as sufficient in terms of criminal law, then it becomes a short step to the more simple procedure of prescribed standards which avoid the cumbersome, lengthy and laborious process of listing all ingredients.

It may, therefore, be considered that the purpose of such regulations is truly criminal law as being necessarily incidental to the effectiveness of the statute itself. A further point is, of course, involved in the above, in that a purchaser might be harmed by the ingestion of certain articles or if not harmed at least be defrauded through economic cheating in their preparation. The designation, therefore, of the ingredients or the legal constituents of foods becomes a direct application of the essential purposes of the criminal law.

These are amongst the points which might become relevant in arguing for the validity of regulations under the Act. More difficult issues, of course, can arise in the case of particular regulations which can be argued would preclude any improvement on the recipe at the will of the manufacturer. For example, where a standard prescribes a maximum percentage of a beneficial ingredient, it might be difficult to justify as criminal law, a prosecution for a food containing greater than the maximum. This is by no means a representative type of case and while it may be that a particular regulation would seem at first glance to be outside of the direct issues of the criminal law, yet on the construction of the whole purpose of the regulations it should be conceded that the regulations as such are not. The same arguments, of course, extend to the case of the manufacturer who desires to add to or omit from a standardized food an ingredient with a view to improving it in some respect or other. Here again the purpose of the legislation as criminal law would be defeated if the standards as established were not given statutory integrity.

Arising out of the above is, of course, the more difficult question of whether or not the essential elements of criminality in departing from a legal recipe are not adequately overcome by an appropriate

label declaration. Whether or not a label description may sufficiently meet the requirements of the law involves a matter of the interpretation of the label rather than its constitutionality. This branch of the discussion, therefore, is considered more properly to come within the chapter dealing with food standards, labels and advertisements.

It may be useful, before leaving the subject of the Food and Drugs Act and turning to other legislation, to mention a few decisions which could be regarded as being directly in point in supporting the legislation as criminal law.

The first of these is *R. v. Perfection Creameries Limited* (1939) 3 D.L.R. 185. In this case the decision involved section 6(2) of the Dairy Industry Act, which prohibited the manufacture of butter containing over 16% of water or less than 80% milk fat. It was held by the Court of Appeal for Manitoba that the legislation was, notwithstanding incidental or related purposes, in pith and substance criminal legislation, and therefore not a colorable invasion of provincial jurisdiction over property and civil rights. Enough has been said in the preceding discussion to distinguish this case from the *Margarine Reference* case.

The next two cases that will be mentioned are important not only because they deal with the criminal law aspects of other federal legislation but because they bring squarely into the discussion the situation where a provincial statute and a federal statute, both otherwise *intra vires*, occupy the same ground.

It is well established that where this situation occurs, the federal statute becomes the paramount statute, and at least to the extent that the ground is occupied by the federal statute, the provincial statute becomes inoperative.

In *R. v. Sheridan* (1924) 3 D.L.R. 339, the Proprietary or Patent Medicine Act and a provision of the British Columbia Pharmacy Act involving the sale of acetanilide under license were considered. Under the Proprietary or Patent Medicine Act, which is discussed in Chapter 3, medicines that are registered thereunder are required to be sold under the authority of a license. A section of the British Columbia Pharmacy Act also dealt with the question of a license. It was held that the purpose of the federal legislation was the protection of the public and therefore was valid as criminal law and to the extent that the provincial legislation occupied the same field or dealt with the same subject matter, it was inoperative.

Likewise, in *R. v. Dufresne*, 5 D.L.R. 501, the Opium and Narcotic Drug Act was held to be criminal law. In that case the federal act was challenged as being in conflict with a statute of the province of Quebec which purported to regulate the sale of cocaine, morphine and their compounds. (See Pharmacy Legislation Part VI.) It was held that the evil at which the federal act was aimed was the protection of the public and that Parliament had effectively made it a crime, not only to sell narcotic drugs, but also to use or to have narcotic drugs in possession without lawful excuse.

This being so, the federal legislation became paramount legislation and to the extent that the provincial legislation duplicated or conflicted with it, it became inoperative.

The validity of the Opium and Narcotic Drug Act as criminal law was also held in the case of *Rex v. Wakabayashi* (1928) 3 D.L.R. 226. In this case no conflict with a provincial act was involved, but the federal legislation was challenged on the basis that it was not criminal law, but in reality a federal attempt to license a particular trade or occupation, namely, that relating to the handling and sale of narcotic drugs.

The court held that notwithstanding the provisions of the Act that deal with licensing, the legislation was criminal and not licensing legislation. The primary object of the Act was to prohibit as crimes the doing of certain things and that the licensing features were merely incidental to its administration.

The above, together with the reasons for judgment in the *Margarine Reference* case and the *Standard Sausage* case which are reproduced at the end of this chapter, sufficiently illustrate the constitutional principles to be applied and to be considered in relation to the federal statutes that are dealt with.

Looking at the federal statutes that are specifically dealt with in this book, the decisions give support to the Food and Drugs Act, the Opium and Narcotic Drug Act and to the Proprietary or Patent Medicines Act as criminal law. Other federal statutes such as the Meat and Canned Foods Act, The Live Stock and Live Stock Products Act, the Fruit, Vegetables and Honey Act, which are confined to commodities dealt with in interprovincial commerce would more likely come within Section 91(2) as being legislation for the Regulation of Trade and Commerce and perhaps as laws in relation to Agriculture.

This latter ground, however, as will be seen from the decisions, has been narrowly construed not to include things which are the products of agriculture. In other words, a law respecting a product of agriculture may not be the same thing as a law in relation to agriculture. This limitation on the interpretation of Section 95 makes it rather difficult to say with any degree of precision whether certain of the statutes or provisions thereof are directly laws in relation to Agriculture, or whether they are laws for the Regulation of Trade and Commerce.

It is obvious from the foregoing that legislation that is not either limited to interprovincial commerce, or is not directly in relation to agriculture, must find support as criminal law. This is subject to what will be said in connection with the Canada Dairy Products Act. The legislation must prevent or suppress a general evil and not merely under the guise of such suppression protect a trade or industry. The Maple Products Industry Act will undoubtedly be provocative of some interest in this connection under the criteria that the judicial decisions seem to have established.

Before turning to constitutional principles as they relate to specific provincial enactments, it is perhaps relevant to discuss a special feature of the Canada Dairy Products Act which has been mentioned. Following the decision in the *Margarine Reference* case, the subject of the legislation was recast and there was enacted in place of the Dairy Industry Act a new act called the Canada Dairy Products Act. In looking at this legislation, it will be seen that it deals with the subject of dairy products in two ways.

It deals firstly with the interprovincial movement of dairy products and secondly, with dairy products which are not necessarily the subject of interprovincial trade.

The first of these ways is of course within federal competence as involving the Regulation of Trade and Commerce. The second, however, involves a somewhat unusual legislative device in that it provides authority for the establishment of a statutory grade or trade-mark for dairy products. In establishing such a mark, the legislation permits its use only where the product meets in all respects the requirements that have been prescribed for it. The requirements involve inspection, grading, packaging and labelling. If the mark is used, then it must conform to all requirements respecting it, whether the product moves in interprovincial commerce or whether it is confined wholly to intraprovincial commerce. In other words, while there is no obligation on the part of anyone to use this mark for products which move only in intraprovincial commerce, if the mark is so used, then it must in all respects meet the conditions governing its use as laid down under the federal act.

The authority for this device is found in *A.G. for Ontario v. A.G. for Canada, et al* (Reference Dominion Trade and Industry Commission Act 1935) (1937) 1 D.L.R. 702. In that case the Judicial Committee of the Privy Council in considering the provisions of the Act under review which established the words "Canada Standard" or the initials "C.S." as a national trade-mark said at p. 704:

"But if the Dominion has power to create trade-mark rights for individual traders, it is difficult to see why the power should not extend to that which is now a usual feature of national and international commerce—a national mark."

and at p. 705:

"The substance of the legislation in question is to define a national mark, to give the exclusive use of it to the Dominion so as to provide a logical basis for a system of statutory licenses to producers, manufacturers and merchants. To vest the 'exclusive property' in the mark in His Majesty is probably no more than to vest 'the use of' the mark in His Majesty. It may afford a useful civil protection for the mark when it is violated in Canada by persons who have not violated the somewhat restricted prohibition of the penal subsection (which only applied to persons who 'apply' the mark to commodities) or violated abroad, where the penal provisions of the law of Canada could not be applied at all."

The above sufficiently deals with the constitutional issues involved in federal legislation. In order to complete the constitutional picture some attention should briefly be given to corresponding provincial legislation as it concerns the subject of food and drugs.

Because provincial authority is specific and not residual, the validity of all provincial laws must rest on the basis of inclusion in one or other of the classes of subjects enumerated in Section 92 or on the basis of being laws in relation to Agriculture within Section 95. Reference has already been made to the curtailment of the authority of Section 95 in distinguishing laws which relate to products of agriculture from laws in relation to agriculture.

For practical purposes, the authority for provincial legislation of the kind that is relevant to this book is almost invariably found in

Section 92(13) which gives the province the exclusive authority to make laws in relation to the Property and Civil Rights in the province.

In the absence of a statute coming precisely within the provisions of Section 91 as being within a subject therein identified and which would preclude provincial jurisdiction entirely, the phrase "Property and Civil Rights" comes close to being an omnibus phrase in which practically any food or drug law could find refuge.

There have accordingly arisen jurisdictional issues as between federal laws made for the "Peace, Order and good Government of Canada" and included in one or other of the classes of subjects of Section 91, and provincial laws made under the authority of the provinces exclusively to make laws in relation to "Property and Civil Rights in the province".

Unless there is some question of jurisdictional conflict between a federal and provincial enactment, no constitutional issue usually arises. In considering therefore the constitutional basis of the federal enactments which have been discussed, there has almost inevitably been involved some consideration of provincial jurisdiction. Many of the factors therefore which arise either directly or by implication have already been brought out in the discussion that has taken place.

For convenience, however, it may be useful to restate the position of relevant provincial legislation.

It perhaps is important to look at this "consumer" and "producer" legislation, because an examination of a number of the provincial acts will immediately reveal this difference in purpose between many of them.

The "consumer" legislation involves substantially matters of health and particularly as regards, amongst other things, sanitation, inspection of premises, and the handling of food. In the case of drugs it involves restrictions on the sale of drugs for the protection of the public. The producer class of legislation relates essentially to grading and marketing of agricultural products.

It does not require elaborate explanation to show that a condition imposed on the sale of a product in any province comes within the phrase "property and civil rights" and is therefore valid. It may be important to bear this in mind in looking at certain of the provincial acts which otherwise would seem to cover substantially the same ground as is done in the case of certain of the federal acts. This is noticeable in the case of provincial pharmacy acts which govern certain matters also dealt with in the Food and Drugs Act, the Opium and Narcotic Drug Act and/or the Proprietary or Patent Medicine Act. Beyond pointing this out, it will not be further mentioned in this chapter because the question of pharmacy legislation in relation to federal legislation is more particularly dealt with under that heading in Chapter 4.

The same applies to other provincial legislation which is also dealt with in Chapter 4. It may be sufficient insofar as constitutional matters are concerned to say that so long as the subject of a provincial restriction does not purport to avoid the consequences or the purpose of a federal restriction, then it is a condition over and above that of the federal law and properly within the competence of the

provincial authorities. For example, a federal requirement respecting minimum constituents in fluid milk could be supplemented by a provincial enactment imposing special conditions on the sale of fluid milk including a higher proportion of designated constituents such as butter fat.

The other branch of the classification of the provincial laws involves legislation that is concerned with grading, inspection and marketing of agricultural or natural products.

Certain of the federal legislation deals with the subject of inspection and grading of agricultural and dairy products. This is provided in the Dairy Industry Act (now replaced by the Canada Dairy Products Act), the Live Stock and Live Stock Products Act, the Meat and Canned Foods Act, the Fruit, Vegetables and Honey Act and the Maple Products Industry Act. For a more detailed discussion of these Acts, see Chapter 3 on Related Federal Food and Drug Laws. These acts authorize the establishment of grade standards for agricultural and dairy products and for their inspection both prior to and while moving in commerce. This type of legislation has been challenged from time to time as an encroachment upon matters which are exclusively within provincial competence as involving property and civil rights in a province.

Reference has already been made to federal jurisdiction limited to interprovincial commerce and export as a valid exercise of the authority of the Parliament of Canada to make laws for the Regulation of Trade and Commerce under S. 91(2). Many of the provisions of the federal acts either as above mentioned or the predecessors of those acts were not expressed to be limited to interprovincial commerce but were so framed as to include transactions which might arise and be completed wholly within the province.

In challenging, from time to time, certain of these enactments and notably regulations under the Live Stock and Live Stock Products Act, it was never suggested that the purpose of the legislation was other than beneficial or desirable. It was made clear at all times by the courts, however, that whatever might be the benefit or convenience of such legislation in terms of uniform grading and inspection, these benefits and conveniences could not override constitutional considerations. It, moreover, is established by Canadian constitutional law that neither the federal authority nor the provincial authority can delegate to each other a jurisdiction which is exclusively assigned to one or the other under the division of powers as set forth in the British North America Act (*A.G. for Nova Scotia v. A.G. for Canada*, 1950, 4 D.L.R. 369). It was there held that the legislative authority conferred upon Parliament and upon a provincial legislature is exclusive and in consequence neither can bestow upon, or accept power from the other although each may delegate authority or power to subordinate agencies.

Accordingly, the situation which the federal and provincial authorities endeavoured to face was one in which some legislative division might be made in matters of trade regulation and the marketing of agricultural or natural products as are involved in inspection and grading whereby an area that could not constitutionally be occupied by the federal authority could be occupied by the provincial authority through conjoint, parallel, or complementary

legislation. The provinces through a variety of legislative devices, endeavoured to provide the necessary legislation so as to occupy the areas in which federal legislation was incompetent. Obviously the most complete and practical way of accomplishing this result would be by the enactment of completely duplicating legislation but so framed as to be limited to the exact areas in which the federal legislation fell short. However desirable this means would be of accomplishing the result, it will be seen that there are many practical difficulties in its path.

From time to time, there has been enacted by certain of the provinces legislation which at the outset sought to be uniform as between each of the provinces. The pattern of uniformity, however, as established is seldom found to be one of a continuing kind and in short order differences would appear in the various enactments that started out to be uniform in each of the provinces through amendments being made. The complication of confining provincial legislation, to lines parallel with federal legislation and as between ten provinces can well be imagined. In recognition of the difficulties of this procedure, various devices have been employed of which one or two may be mentioned.

The first of these and one that has been the subject of judicial consideration was through the provincial legislation attempting to adopt by reference the provisions of a particular federal enactment or set of regulations insofar and to the extent that the same might deal with matters wholly within provincial jurisdiction and outside of federal jurisdiction.

This was discussed in *Rex v. Zaslavsky* (1935) 3 D.L.R. 788. This was a case decided under a provision of the Live Stock and Live Stock Products Act of the Province of Saskatchewan in which by Section 2 it was provided:

"If and insofar as any provision of an Act of the Parliament of Canada intituled the Live Stock and Live Stock Products Act, and the amendments thereof and the regulations thereunder heretofore enacted or made, is within the legislative authority of the province and outside that of the Dominion of Canada, such provision shall have the force of law in Saskatchewan, and, unless otherwise enacted by the Legislature of Saskatchewan, shall be and remain in full force and effect therein to all intents and purposes whatsoever, until the same is repealed by the Dominion Parliament or revoked by the Governor General in Council, as the case may be."

Substantially the same device was the subject of discussion in *Rex v. Brodsky*, (1936) 1 D.L.R., 578. That case involved a section of the Manitoba Animal Husbandry Act which through similar language purported to adopt the provisions of the federal Live Stock and Live Stock Products Act. Other instances might be given but these two are probably sufficient to illustrate the judicial reasoning which rejected this as an appropriate legislative device to accomplish the purpose that the legislatures had intended.

TRUMAN, J. A., in the *Brodsky* case pointed out that the words "if and insofar" had an effect which was not contemplated by the legislature since they defeated the object which the enactment was intended to achieve. These words would require firstly a judicial determination of the validity of the federal enactment and until such determination the inclusion of these words in a provincial enactment would make it impossible for a court to decide which provisions of the federal

enactment had been adopted. A further objection was taken that the section was an attempt *ex-post facto* to give jurisdiction to the federal Parliament which it did not possess. Notwithstanding the views which were expressed in these cases, a number of the provincial statutes still retain sections which would indicate that their validity can be impugned for the reasons that were considered in the livestock legislation *supra*.

It is interesting, however, to note that in the province of Saskatchewan a later revision of the Live Stock and Live Stock Products Act, namely, Chapter 187, Revised Statutes of Saskatchewan 1940 dropped the section which had been found objectionable and substituted therefor the following:

Section 3 provides:

"(3) The Lieutenant Governor in Council may adopt and constitute as regulations under this Act, either in whole or in part and with or without modification, any or all regulations heretofore or hereafter made under the provisions of the Live Stock and Live Stock Products Act, 1939, (Canada) R.S.S. 1940, c. 187, s. 3; 1944, c. 65, s. 1; 1947, c. 68, s. 1."

This attempts to avoid the objection which was taken to the former legislation in that it is not conditional upon any part of the federal legislation first being found invalid, but merely authorizes the specific adoption for provincial purposes of the language of other legislation. Adoption therefore, of specific regulations made under the federal act would constitute the enactment by reference of such regulations in and for the province. Curiously enough in the Dairy Products Act of Saskatchewan the same device has not been employed but the device which was objected to in the livestock products cases is still retained.

For a complete analysis of the effect of federal and provincial legislation in matters of grading and inspection the reader is referred to the text of the statutes. It would not be practicable to attempt in this chapter any such analysis or comparison. For purposes of illustration, however, the following will be sufficient to indicate the limited attempts that have been made to provide parallel or complementary legislation as between federal and provincial authorities in all matters that involve inspection and grading.

Reference has already been given to the federal statutes which deal with the subjects of grading and inspection. Under the authority of these statutes commodities such as cheese, eggs, poultry, meats, including beef, lamb, mutton, pork and bacon, canned fruits and vegetables, fresh fruits and vegetables, honey and maple products are subjected to inspection and grading. The federal legislation with the possible exception of the Maple Products Industry Act is careful to limit its provisions to commodities for export with export defined to include interprovincial trade.

At the provincial levels there is anything but complete coverage for these commodities in the matter of grades and inspection. The degree of parallel or complementary legislation varies widely with particular commodities ranging all the way from fairly complete coverage in the case of eggs to very limited coverage in the case of canned fruits and vegetables. In the latter only the province of Quebec has specific legislation dealing with canned fruits and

vegetables. In the other provinces there is some limited coverage by regulation, but with no attempt to set up provincial grade standards.

Insofar as fresh fruits and vegetables are concerned the majority of the provinces have enacted legislation that gives a degree of coverage to many of the products which are dealt with under the federal Fruit, Vegetables and Honey Act.

For differences or parallels in the case of particular commodities, it is necessary to examine in detail the federal act and regulations and the act of the particular province that might be involved.

This perhaps sufficiently deals with the constitutional aspects of the food and drug laws and while the discussion should not be regarded as an exhaustive treatment of the subject, it is hoped that it does give sufficient information and guidance to enable the layman to understand the principles which are applicable to the situation and perhaps to assist the lawyer in referring him to the source from which more precise answers may be obtained.

Privy Council Appeal No. 30 of 1949¹

¹ In the matter of a reference as to the validity of the Dairy Industry Act, Revised Statutes of Canada, 1927, Chapter 45.

**THE CANADIAN FEDERATION OF AGRICULTURE, Appellant, v.
THE ATTORNEY-GENERAL OF QUEBEC AND OTHERS, Respondents**

FROM THE SUPREME COURT OF CANADA

Judgment of the Lords of the Judicial Committee of the Privy Council,
delivered the 16th October, 1950.

Present at the Hearing: LORD PORTER, LORD SIMONDS, LORD MORTON OF HENRYTON,
LORD MACDERMOTT, LORD RADCLIFFE

(Delivered by LORD MORTON of Henryton)

This is an appeal from the Supreme Court of Canada on a Reference by the Governor-General in Council dated the 27th July, 1948. The only question referred to the Supreme Court for hearing and consideration was:

"Is Section 5(a) of the Dairy Industry Act, R.S.C. 1927, Chapter 45, *ultra vires* of the Parliament of Canada either in whole or in part and if so in what particular or particulars and to what extent?"

Section 5(a) of the Dairy Industry Act is in the following terms:

"5. No person shall

(a) manufacture, import into Canada or offer, sell or have in his possession for sale any oleomargarine, margarine, butterine, or other substitute for butter, manu-

factured wholly or in part from any fat other than that of milk or cream."

The judgment of the Supreme Court (RINFRET, C.J., KERWIN, TASCHEREAU, RAND, KELLOCK, ESTEY and LOCKE, J.J.) was expressed as follows:

(1) The prohibition of importation of the goods mentioned in the section is *intra vires* of Parliament.

Locke J. finds Section 5(a) of the Dairy Industry Act to be *ultra vires* while expressing no opinion as to the power of Parliament to ban importation by appropriate legislation.

(2) The prohibition of manufacture, offer, sale, or possession for sale of the goods mentioned is *ultra vires* of Parliament, the Chief Justice and Kerwin dissenting.

¹ Reported (1950) 4 D.L.R. 639.

The argument in support of the appeal was presented by Mr. Varcoe, K.C., on behalf of the Attorney-General of Canada and by Mr. Milliken, K.C., on behalf of the appellant. They contended that the decision stated in paragraph 2 of the judgment of the Supreme Court should be reversed but no question has been raised before their Lordships' Board, either by the appellant or by any of the respondents, as to the correctness of the decision stated in paragraph 1.

Counsel supporting the appeal contended that the prohibition of the manufacture, offer, sale, or possession for sale of the goods mentioned in Section 5(a) (hereafter referred to as "the prohibition") was within the powers of Parliament, as defined in the British North America Act, 1867, for reasons which may be briefly summarized as follows:

(1) The prohibition is legislation in relation to the regulation of trade and commerce, and therefore falls within Head 2 of Section 91 of the British North America Act, 1867 (hereafter referred to as "the Act").

(2) It is legislation relating to the criminal law and, therefore, falls within Head 27 of the same section.

(3) It is a law for the peace, order and good government of Canada in relation to a matter not coming within any of the heads of Section 92 of the Act, and is within the "residuary power" conferred by the opening words of Section 91.

(4) It is a law "in relation to agriculture in all or any of the 'Provinces' within Section 95 of the Act.

Each of these arguments raises questions of some difficulty, but they can be dealt with quite briefly, as their Lordships find themselves in agreement, on each point, with the conclusions of the majority of the Supreme Court.

It is convenient first to give some account of the earlier history of the legislation which incorporates the prohibition.

In 1886 the Parliament of Canada enacted "An Act to Prohibit the Manufacture and Sale of Certain Substitutes for Butter", being Chapter 42 of 49

Victoria. This Act was in the following terms:

"WHEREAS the use of certain substitutes for butter heretofore manufactured and exposed for sale in Canada is injurious to health; and it is expedient to prohibit the manufacture and sale thereof; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. No oleomargarine, butterine or other substitute for butter, manufactured from any animal substance, other than milk, shall be manufactured in Canada, or sold therein, and every person who contravenes the provisions of this Act in any manner whatsoever shall incur a penalty not exceeding four hundred dollars and not less than two hundred dollars, and in default of payment shall be liable to imprisonment for a term not exceeding twelve months and not less than three months."

It is to be noted that the "certain" substitutes for butter "heretofore" manufactured, the manufacture and sale of which are prohibited, are those manufactured from any animal substance other than milk. By this language margarine, as distinct from oleomargarine, is not affected, as the former is manufactured exclusively from vegetable oils, while oleomargarine has in addition some animal fat.

Cap. 42 of 49 Victoria became cap. 100 of R.S.C. 1886, but the preamble of the original Act was not continued and does not reappear in any later legislation. Subsequently by 3 Edward VII, cap. 6: "The Butter Act, 1903" was passed, Section 5 of which prohibits the manufacture, importation or sale of "any oleomargarine, butterine, or other substitute for butter manufactured wholly or in part from any fat other than that of milk or cream." It is to be observed that importation, as well as manufacture and sale, became prohibited and the prohibition is no longer limited to substitutes for butter manufactured from animal substances. Accordingly, margarine would appear to have become included in the prohibitions of this legislation.

In 1906, by cap. 85 of the Revised Statutes of that year, the General

Inspection Act (cap. 99 of the Revised Statutes of 1886) the Grain Inspection Act (4 Edward VII, cap. 15) and the Butter Act of 1903, became consolidated in the "Inspection and Sale Act," the provisions formerly constituting the Butter Act becoming Part VIII of the Act. Section 298 is in the same terms as Section 5 of the 1903 Act, the penalty section being Section 309. Part VIII of the last-mentioned Act was repealed by the "Dairy Industry Act, 1914." This Act was entitled an "Act to regulate the manufacture or sale of butter substitutes." Section 5(a) is in exactly the same terms as the prohibition now under consideration, margarine being for the first time expressly mentioned.

In the Revised Statutes of 1927, the Dairy Industry Act appears in its present form as Chapter 45 thereof.

It is to be noted that by Order in Council P.C. 3044 dated 23rd October, 1917, made under the War Measures Act, the operation of Section 5(a) of the Dairy Industry Act was suspended and by Chapter 24 of the Statutes of Canada 1919 (2nd Session) provision was made for the manufacture and importation of oleomargarine until 31st August, 1920, the sale thereof until 1st day of March, 1921. By annual amendments the permissions contained in the Oleomargarine Act were extended to 31st August, 1923, in the case of manufacture and importation, and to 1st March, 1924, in the case of sale. During the period 1st December, 1917, to 30th September, 1923, oleomargarine was manufactured in Canada and imported into Canada on a very large scale.

The summary of legislation just set out shows that the prohibition has been part of the law of Canada for a considerable time, and apparently its validity has never been called in question prior to the present proceedings. This historical fact does not, however, relieve their Lordships of the task of considering whether the prohibition is or is not within the powers of Parliament as laid down in the Act. To quote the judgment of the Board in *Proprietary Articles Trade Association v. A.G. for Canada*, 1931 A.C. 310 at p. 317, "Their Lordships entertain no doubt that time alone will not validate an Act which when challenged is found

to be *ultra vires*." One other point emerges from the summary. It might have been contended at one time, in reliance upon the preamble to the Act of 1886, that the purpose of the prohibition was to exclude from the Dominion substances which were injurious to health; but no such argument is possible today, having regard to the later legislation, in particular the repeal of the earlier legislation by the Dairy Industry Act, 1914, and to the measures taken in 1917 and subsequent years.

It cannot be doubted that the object of the prohibition, as it appears in the Dairy Industry Act now in force, is the protection and encouragement of the dairy industry.

The Dairy Industry Act is very fully analysed in the judgment of the learned Chief Justice. Their Lordships gratefully accept his analysis, without repeating it, and proceed to the consideration of the first argument of counsel supporting the appeal, that the prohibition is legislation in relation to the regulation of trade and commerce. In considering this argument their Lordships are faced yet again with the difficult task of choosing between the conflicting claims of the Dominion Legislature, based on s. 91 head 2 of the Act and of the Provincial legislatures, based on s. 92 head 13. On the one hand it is said that an enactment which seeks to encourage an important industry in the Dominion by prohibiting all citizens of the Dominion from embarking upon another competing industry can accurately be described as an enactment for the regulation of trade and commerce. On the other hand it is said that the prohibition covers the manufacture and sale of the goods in question within, for instance, the Province of Quebec, and that the right of a citizen of that province to engage in such manufacture and sale is an important civil right in the province and comes directly within head 13 of Section 92; it is thus one of the classes of subjects assigned by the Act exclusively to the legislatures of the provinces.

If these conflicting claims had never before been considered by the Board, their Lordships would be faced with a task of great difficulty, but similar

conflicts, on different sets of facts, have been resolved over and over again in past years. Their Lordships think that a decision in favour of the validity of this prohibition would be contrary to the current of authority and in particular to certain recent decisions of the Board. They find it unnecessary to pass in review the decisions prior to the year 1936 which bear upon this point. These decisions are summarized with clarity and accuracy in the masterly judgment of Duff C.J. in the *Natural Products* case, 1936 S.C.R. 398. The decision of the Supreme Court in that case was upheld and the judgment of Duff C.J. was approved by the Board (1937 A.C. 377) and their Lordships regard the *Natural Products* case as having a very important bearing upon the present appeal. The Act then under consideration provided for the establishment of a Dominion Marketing Board whose powers included powers to regulate the time and place at which, and the agency through which, natural products to which an approved scheme related should be marketed, and to determine the manner of the distribution, and the quantity, quality, grade or class of the product that should be marketed by any person at any time. Lord Atkin, in giving the judgment of the Board, said:

"There can be no doubt that the provisions of the Act cover transactions in any natural product which are completed within the Province, and have no connection with inter-Provincial or export trade. It is therefore plain that the Act purports to affect property and civil rights in the province, and if not brought within one of the enumerated classes of subjects in s. 91 must be beyond the competence of the Dominion Legislature. It was sought to bring the Act within the class (2) of s. 91—namely, The Regulation of Trade and Commerce. Emphasis was laid upon those parts of the Act which deal with inter-Provincial and export trade. But the regulation of trade and commerce does not permit the regulation of individual forms of trade or commerce confined to the province. In his judgment the Chief Justice says: 'The enactments in question, therefore in so far as they relate to matters which are in substance local and provincial are beyond

the jurisdiction of Parliament. Parliament cannot acquire jurisdiction to deal in the sweeping way in which those enactments operate with such local and provincial matters by legislating at the same time respecting external and inter-provincial trade and committing the regulation of external and inter-provincial trade and the regulation of external and inter-provincial trade and the regulation of trade which is exclusively local and of traders and producers engaged in trade which is exclusively local to the same authority: *The King v. Eastern Terminal Elevator Co.*'

"Their Lordships agree with this, and find it unnecessary to add anything."

As appears from this passage, the regulation of trade and commerce which is assigned to the Dominion legislature by head 2 of s. 91 does not permit the regulation of individual forms of trade and commerce confined to the province. If such regulation is not permitted, it seems to their Lordships that, *a fortiori*, the prohibition of individual forms of trade and commerce confined to the province is not permitted. By the prohibition now in question, every citizen of (e.g.) the Province of Quebec is prohibited from manufacturing and selling certain named substances, even if he manufactures only in that province and sells only in that province. It is true that the prohibition applies equally to inter-provincial transactions, but the passage from Duff C.J.'s judgment, set out and approved by the Board in the *Natural Products* case seems fatal to any argument based upon this fact. So also do the observations of Lord Haldane when delivering the judgment of the Board in the *Dominion Insurance* case, 1916 1 A.C. 588 at p. 595:

"It will be observed that s. 4 deprives private individuals of their liberty to carry on the business of insurance, even when that business is confined within the limits of a province. It will also be observed that even a provincial company operating within the limits of the province where it has been incorporated cannot, notwithstanding that it may obtain permission from the authorities of another province, operate within that



other province without the license of the Dominion Minister. Such an interference with its status appears to their Lordships to interfere with its civil rights within the province of incorporation, as well as with the power of the legislature of every other province to confer civil rights upon it. Private individuals are likewise deprived of civil rights within their provinces."

The truth is that the present case is typical of the many cases in which the Board has felt bound to put some limit upon the scope of the wide words used in head 2 of s. 91 "in order to preserve from serious curtailment, if not from virtual extinction, the degree of autonomy which, as appears from the scheme of the Act as a whole, the provinces were intended to possess"—see per Duff, J. in *Lawson v. Interior Tree Fruit & Vegetable Committee*, 1931 S.C.R. 357 at 366. The necessity for putting such a limit leads to the rejection of counsel's first argument.

In putting forward their second argument, counsel relied strongly upon the cases of *A.G. for Ontario v. Hamilton Street Railway* 1903 A.C. 524, *The Proprietary Articles Trade Association v. A.G. for Canada* 1931 A.C. 310 and *A.G. for British Columbia v. A.G. for Canada* (the Criminal Code case) 1937 A.C. 368. They pointed out that s. 10 of the Dairy Industry Act makes any violation of any provision of ss. 5 to 7 an offence, punishable upon summary conviction with the penalties set out in s. 10; and that, apart altogether from s. 10 any breach of the prohibition in s. 5(a) would be punishable under s. 164 of the Criminal Code. They submitted that in these circumstances s. 5(a) was such a law as is described in head 27 of s. 91 of the Act.

Their Lordships are unable to accept this submission. It is necessary in each case to consider what is the "pith and substance" of the Legislation in question and this was recognised by the Board in the *Criminal Code* case at p. 376 *med.* In the present case, the prohibition in s. 5(a) is in pith and substance a law for the protection and encouragement of the dairy industry in Canada. Incidentally, penalties are provided for any breach of the prohibition, but their Lordships are quite un-

able to regard this fact as sufficient *per se* to make the prohibition a law "for the peace, order and good government of Canada in relation to the criminal law except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters" within the meaning of head 27 of s. 91. The contrary view would enable the Parliament of Canada to "assume exclusive control over the exercise of any class of civil rights within the Provinces, in respect of which exclusive jurisdiction is given to the provinces under s. 92, by the device of declaring those persons to be guilty of a criminal offence who in the exercise of such rights do not observe the conditions imposed by the Dominion." See *A.G. for Ontario v. Reciprocal Insurers* 1924 A.C. 328 at p. 340. Their Lordships' views on this branch of the case may be happily stated by a quotation from the judgments of the majority in the Supreme Court. Rand J. said: "That object (i.e., the object of the prohibition) as I must find it, is economic, and the legislative purpose is to give trade protection to the dairy industry in the production and sale of butter; to benefit one group of persons as against competitors in business in which, in the absence of the legislation, the latter would be free to engage in the provinces. To forbid manufacture and sale for such an end is *prima facie* to deal directly with the civil rights of individuals in relation to particular trade within the provinces: *Shannon v. Lower Mainland Dairy Board* (1938) A.C. 708. The public interest in this regulation lies obviously in the trade effects: it is annexed to the legislative subject-matter and follows the latter in its allocation to the one or other legislature. But to use it as a support for the legislation in the aspect of criminal law would mean that the Dominion under its authority in that field, by forbidding the manufacture or sale of particular products, could, in what it considered a sound trade policy, not only interdict a substantial part of the economic life of one section of Canada but do so for the benefit of that of another. Whatever the scope of the regulation of inter-provincial trade, it is hard to conceive a more insidious form of encroachment on a complementary jurisdiction. This conclusion is not in conflict with *Attorney-*

General of British Columbia v. Attorney-General of Canada (1937) A.C. 368. (Section 498A of the Criminal Code.)

There, the essential nature of the legislation was not the equalisation of civil rights between competitors or promoting the interest of one trade as against another; it was the safeguarding of the public against the evil consequences of certain fetters upon free and equal competition. There is no like purpose here; there is nothing of a general or injurious nature to be abolished or removed; it is a matter of preferring certain local trade to others."

With these observations their Lordships entirely agree, and they are fatal to counsel's second argument in support of the appeal. That argument would have had more weight if it had been possible to contend that the object of the prohibition was to exclude from Canada substances injurious to health.

In support of their third argument, counsel relied principally on the case of *Russell v. The Queen* 7 App. Cas. 829 and the recent case of *A.G. for Ontario v. Canada Temperance Federation & others* (1946) A.C. 193, in which *Russell's* case, not for the first time, was considered and commented upon. In the latter case Viscount Simon, in delivering the judgment of the Board, said at p. 205:

"In their Lordships' opinion, the true test must be found in the real subject matter of the legislation: if it is such that it goes beyond local or provincial concern or interests and must from its inherent nature be the concern of the Dominion as a whole (as for example, in the *Aeronautics* case and the *Radio* case), then it will fall within the competence of the Dominion Parliament as a matter affecting the peace, order and good government of Canada, though it may in another aspect touch on matters specially reserved to the provincial legislatures. War and pestilence, no doubt, are instances: so, too, may be the drink or drug traffic, or the carrying of arms. In *Russell v. The Queen*, Sir Montague Smith gave as an instance of valid Dominion legislation a law which prohibited or restricted the sale or exposure of cattle having a contagious disease. Nor is the validity

of the legislation, when due to its inherent nature, affected because there may still be room for enactments by a provincial legislature dealing with an aspect of the same subject in so far as it specially affects that province."

This passage must, however, be considered in conjunction with the words used by Lord Atkin when delivering the judgment of the Board in the *Labour Conventions Case* (1937) A.C. 326 at pp. 352-3:

"But the validity of the legislation under the general words of s. 91 was sought to be established not in relation to the treaty-making power alone, but also as being concerned with matters of such general importance as to have attained 'such dimensions as to affect the body politic,' and to have 'ceased to be merely local or provincial,' and to have 'become matter of national concern.' It is interesting to notice how often the words used by Lord Watson in *Attorney-General for Ontario v. Attorney-General for the Dominion* have unsuccessfully been used in attempts to support encroachments on the Provincial legislative powers given by s. 92. They laid down no principle of constitutional law, and were cautious words intended to safeguard possible eventualities which no one at the time had any interest or desire to define. The law of Canada on this branch of constitutional law has been stated with such force and clarity by the Chief Justice in his judgment in the reference concerning the Natural Products Marketing Act dealing with the six Acts there referred to, that their Lordships abstain from stating it afresh. The Chief Justice, naturally from his point of view, excepted legislation to fulfil treaties. On this their Lordships have expressed their opinion. But subject to this, they agree with and adopt what was there said. They consider that the law is finally settled by the current of cases cited by the Chief Justice on the principles declared by him. It is only necessary to call attention to the phrases in the various cases, 'abnormal circumstances,' 'exceptional conditions,' 'standard of necessity' (*Board of Commerce* case), 'some extraordinary

peril to the national life of Canada,' 'highly exceptional,' 'epidemic of pestilence' (*Snider's* case), to show how far the present case is from the conditions which may override the normal distribution of powers in ss. 91 and 92. The few pages of the Chief Justice's judgment will, it is to be hoped, form the *locus classicus* of the law on this point, and preclude further disputes."

Their Lordships think it sufficient to say, in answer to this third argument, that the prohibition now under consideration relates to civil rights within each of the provinces and that neither the facts set out in the Order of Reference, nor any other facts of which their Lordships could take judicial notice, lead to the conclusion that there exist in the present case the conditions which may override the normal distribution of powers in sections 91 and 92.

As to Counsel's fourth and last argument, their Lordships have already recognized that the object of the prohibition was to protect and encourage the dairy industry in Canada. For this reason, Counsel contend that it is a law in relation to agriculture within Section 95 of the Act, although in form it is merely a prohibition relating to certain manufactured substances. In their Lordships' view, however, the authorities show that this contention is unsound. In the case of *Lower Mainland Dairy Products Sales Adjustment Committee v. Crystal Dairy Limited*, 1933, A.C. 168, the Board had to consider the validity of the Dairy Products Sales Adjustment Act, 1929, which authorised the appointment of an Adjustment Committee in any district in which the dairy farmers petitioned for one. The object of the Act was to relieve congestion in the fluid milk market caused by a shortage of demand, and, as Lord Thankerton put it in delivering the judgment of the Board: "Broadly stated, this object is attained by the Committee fixing monthly the standard prices for fluid milk and manufactured products respectively and the weight and quantity of each sold or disposed of by all farmers in the district, based on returns compulsorily obtained from them, and thereafter apportioning the difference between the total value of the sales of each,

calculated at the respective standard prices, over the whole body of farmers, in proportion to the weight of fluid milk sold or disposed of by each farmer. Each farmer is then bound to contribute his share of the apportionment to the Committee, who apportion and pay the total amount so received to the farmers who have sold or disposed of the manufactured products."

At page 174 *ad fin*, Lord Thankerton said: "The contention of the Appellants that the Act of 1929 is a law relating to agriculture under Section 95 of the Act of 1867 may be disposed of as untenable, for the Act of 1929 does not appear in any way to interfere with the agricultural operations of the farmers, and Section 21 of the Act expressly prohibits the Committee from fixing prices at which milk or manufactured products may be sold, and from directing in what quantity, to whom, or when milk or manufactured products may be sold or disposed of by a dairy farmer."

This passage bears strongly against the argument for the Appellant, for it might well be thought that the Act which the Board was then considering could more easily be described as an Act in relation to agriculture than can the prohibition now under consideration.

It is significant that in the *Natural Products* case, already cited, it was not even argued that the Act in question, The *Natural Products Milk Act*, 1934, came within Section 95 of the Act. No mention appears to have been made of Section 95 of the Act, either before the Board or in the Supreme Court of Canada. In their Lordships' view the Act of 1934 was more closely related to agriculture than the prohibition now under consideration it may be that Counsel considered an argument based on Section 95 to be hopeless, in view of the observation of Lord Thankerton already quoted.

If, however, there were any doubt as to the principles to be applied in construing Section 95, it is removed, in their Lordships' view, by a passage in the judgment of the Board, delivered by Viscount Simon, in *A.G. for Saskatchewan v. A.G. for Canada and others*, 1949, A.C. 110, at pp. 122-3. The Act then under consideration was

the Farm Security Act, 1944, of Saskatchewan and the main object of that Act was to lighten the contractual obligations of a mortgagor or purchaser of farm land in the event of there being in any year a crop failure as defined in the Act. A portion of the Act relating to a reduction of interest was attacked as being *ultra vires* the provincial legislature, and the portion attacked was sought to be upheld on the ground that its pith and substance was "agriculture in the Province" within the meaning of Section 95 of the Act, and that it was not repugnant to any Act of the Parliament of Canada. In dealing with this contention, which had been supported by the dissenting judgment of Taschereau, J., in the Supreme Court, Viscount Simon said: "It is convenient to deal first with this last contention, which provided a chief ground on which the dissenting judgment of Taschereau, J., was based. There was abundant evidence that agriculture is the main industry of Saskatchewan and that it is the principal source of revenue of its inhabitants. It is moreover clear that the result of the impeached legislation, if it is validly enacted, would be to relieve in some degree a certain class of farmers from financial difficulties due to the uncertainties of their farming operations. But, as Rand, J., points out, there is a distinction between legislation 'in relation to' agriculture and legislation which may produce a favourable effect on the strength and stability of that industry. Consequential effects are not the same thing as legislative subject-matter. It is 'the true nature and character of the legislation'—not its ultimate economic results—that matters (*Russell v. The*

Queen). Here, what is sought to be statutorily modified is a contract between two parties one of which is an agriculturist but the other of which is a lender of money. However broadly the phrase 'agriculture in the Province' may be construed, and whatever advantages to farmers the reshaping of their mortgages or agreements for sale might confer, their Lordships are unable to take the view that this legislation can be regarded as valid on the ground that it is enacted in relation to agriculture."

Although the prohibition now under consideration relates to a different subject-matter, the passage just quoted would seem to apply with much force to the present case. The prohibition might well "produce a favourable effect on the strength and stability" of the dairy industry; but the passage just quoted shows that this fact alone is not sufficient to make it legislation "in relation to agriculture" within Section 95; and there is no other ground on which it can be brought within Section 95. To sum up, the connection between the prohibition and the operations carried on by farmers is too indirect and remote to bring the prohibition within the terms of Section 95, and for this reason Counsel's fourth and last argument fails.

Their Lordships are of opinion that the Supreme Court of Canada rightly answered that "the prohibition of manufacture, offer, sale, or possession for sale of the goods mentioned is *ultra vires* of Parliament". This was the only question raised in this appeal and their Lordships will humbly advise His Majesty that the appeal should be dismissed.

British Columbia Court of Appeal

¹STANDARD SAUSAGE CO. LTD.

v.

LEE

Judgment of

THE HONOURABLE

MR. JUSTICE M. A. MACDONALD

In this appeal the right of the Dominion Parliament to enact the Food and Drugs Act (R.S. Can. 1927 Chap. 76) and specifically sections 3, 4 and 23 thereof and regulations thereunder is questioned. Appellant used an adulterant in the manufacture of

sausages, viz., sulphur dioxide to the extent of 0.45 parts to every 2000 parts of meat product. This quantity is not injurious to health. It is submitted that he was unlawfully enjoined from using this drug as a preservative on the ground that the sections of the Act

¹ Reprinted 60 Can. Crim. Cases 265, 1934 4 D.L.R. 501.

referred to and regulations passed thereunder are *ultra vires* of the Federal Parliament.

The sample sausage, submitted for analysis, found to contain the adulterant, was sold as "Fresh sausage". By spreading sulphur dioxide over it, or mixing it with the sausage, it stops fermentation and makes it fit for consumption and therefore saleable for from 12 to 18 hours longer than would otherwise be the case.

Section 3(1) of the Act provides that the Governor-in-Council may make regulations

- (a) prescribing standards of quality for and fixing the limits of variabilities permissible in any article of food or drug, the standard of which is not otherwise prescribed by this Act or the Meat and Canned Foods Act.
- (3) Regulations made under any of the provisions of this Act shall have the same force and effect as if embodied in this Act.

Section 4 provides that

"Food shall be deemed to be adulterated within the meaning of this Act,

- (f) If it contains any added poisonous ingredient, or any *ingredient* which *may* render it injurious to the health of the person consuming it, whether added with intent or otherwise; or
- (g) if its strength or purity falls below the standard, or its constituents are present in quantity not within the limits of variability fixed by the Governor in Council as hereinafter provided."

Section 23 under the heading "Penalties" provides that:

"Every person who by himself or his agent or employee manufactures for sale, sells, offers for sale, or exposes for sale, any article of food or any drug which is adulterated or misbranded, shall be guilty of an offence, and

- (a) if such adulteration is deemed to be injurious to health within the meaning of this Act, shall for a first offence be liable upon summary conviction to a fine not exceeding \$200.00, etc.,

- (b) if such adulteration is not deemed to be injurious to health, within the meaning of this Act, or if the article is misbranded, shall for a first offence be liable upon summary conviction to a fine not exceeding \$100.00, etc.

- (2) In all cases where the adulteration is proved to have been wilful the penalties imposed by this section shall be doubled."

It will be observed that it is an offence to use an adulterant even although it may not be injurious to health. The penalty however is greater if it is injurious in that respect. This raises the question in issue—is it within the power of the Dominion Parliament to declare that a harmless act is criminal?

By sections 3 and 4 adulteration (the alleged criminal offence) is defined by regulations passed pursuant thereto. By Order-in-Council it is provided (IX (2)) that

"Preservatives other than those mentioned in class 1 section XII, or colouring matter, shall not be used in or upon meat or meat products."

By referring to Class 1 of section 12 of the regulations it will be found that sulphur dioxide is not included in the list of permissible preservatives. It follows therefore that unless the sections referred to and regulations are *ultra vires* of the Federal Parliament the appeal must be dismissed.

These sections (and regulations) are valid, if at all, under section 91(27) of the British North America Act giving exclusive authority to the National Government to legislate in respect to

"The criminal law . . . including the procedure in criminal matters."

Acts of a similar nature respecting food adulteration appear in the Dominion Statutes, practically since Confederation, standing often side by side with somewhat similar legislation, of a more restricted character, enacted by the provinces. In *Regina v. Wason* (1889-90) 17 Ont. A.R. 221 a provincial Act to provide against frauds in supplying milk to cheese or butter manufactories (held *intra vires*) was considered in its relation to the Dominion Adulteration Act of that day and as Rose, J. stated in *Regina v. Stone* (1893) 23 O.R. 46

at p. 49 where the Dominion Adulteration Act was held to be *intra vires* of the Dominion Parliament the reported argument of Mr. Edward Blake in the *Wason* case correctly outlined the law where the jurisdiction of the provincial and Dominion legislatures appear to overlap.

The cases have been so often reviewed that extended references should not be necessary. The Dominion Parliament cannot acquire jurisdiction by attaching penalties to the commission of acts otherwise within the exclusive legislative control of the provinces subject to this—that it is not precluded from creating offences merely because the subject matter, in another aspect may fall under one of the sub-heads of section 92. The limitation is that the Dominion Parliament cannot under the guise of criminal law legislate for the purpose of assuming, or with the object of securing, control over activities properly local and provincial in character. This, however, is not the avenue of approach in considering the case at bar. We start with the fact that the selling of food, not only unfit for human consumption, but *dangerous*, was a criminal offence at common law. If death followed the vendor, if he knew it was unfit or “dangerous”, might be indicted for manslaughter. Section 224 of the Code makes it a criminal offence to knowingly sell food unfit for consumption. Food may be rendered unfit or potentially dangerous by adulteration. This case arises only because the mixing of sulphur dioxide with meat to the extent disclosed in evidence is not injurious to health. But the subject of legislation is adulteration of food (properly classified as a crime) and what constitutes adulteration must, at least within reasonable limits, be left to the judgment of Parliament in the light of the best knowledge available at the time. The subject of food purity, free from adulteration by the admixture of baser ingredients, is so important and the need to preserve its purity so great to prevent widespread calamity that precautions of the most detailed character must be taken to ensure it. These restrictions may be unnecessarily wide and open to criticism but that does not affect the principle. By the regulations Parliament entrusted to the Governor-in-

Council the power and duty to make regulations prescribing what preservatives might or might not be used in or upon meat or meat products. Eight are permitted, viz., common salt, sugar, saltpetre, wood smoke, vinegar, spices, alcohol and refined sodium nitrate. Greater scientific knowledge may induce Parliament or the Governor-in-Council to add sulphur dioxide to the list. In that event it would doubtless be necessary to prescribe the quantities that could safely be used. This might involve the dangers that careless manufacturers would use too much or too little and for ought we know excessive quantities might be injurious to health. In the meantime it is reasonable to provide in dealing with a product in which it is so essential to maintain purity, that with other preservatives available, sulphur dioxide may not be used at all. We may assume that the framers of the regulations were aware of the facts disclosed in evidence, viz., that this preservative is used at least in part, to enable the dealer to offer the product for sale from 12 to 18 hours later than he otherwise could if no preservatives, or permissible preservatives, were used. What happens if the dealer should be careless and sell after 20 hours elapse: or if a larger quantity should be used than 0.46 to 2000 parts? The meat inspector states that this quantity “so far as a poison is concerned” would be inert but he does not state possible results if by mistake or design a larger proportion should be used. These considerations point to the conclusion that, granted the general subject of the adulteration of food may be the subject of legislation by the Dominion Parliament under the heading “criminal law”, it must follow, reasonably and necessarily, that it may define precisely the ingredients that may or may not be used. Nor is it any less a crime because it may be shown scientifically that some of the ingredients prescribed may not, if used in proper quantities be deleterious at all. It is not a *sine qua non*, as many provisions of the criminal code show that injury to property or to the person must necessarily follow the commission of the unlawful act. This contingency is recognized inasmuch as the penalty is less severe if injurious results do not follow.

The opinion is often held by many that acts long recognized as criminal are not in fact harmful but as Lord Atkin said in *Proprietary Articles Trade Association v. Alloway* (1931) 100 L.J.P.C. 84 at p. 90 referring to the provisions of the Combines Investigation Act making criminal combines which the legislature in the public interest prohibited

"if Parliament genuinely determines that commercial activities which can be so described are to be suppressed in the public interest, their Lordships see no reason why Parliament should not make them crimes."

So too if the Federal Parliament, to protect the public health against actual or threatened danger, places restrictions on, and limits the number of preservatives that may be used, it may do so under section 91(27) of the B.N.A. Act. This is not in essence an interference with property and civil rights. That may follow as an incident but the real purpose (not colourable and not merely to aid what in substance is an encroachment) is to prevent actual, or threatened injury or the likelihood of injury of the most serious kind to all the inhabitants of the Dominion. To quote further from the judgment of Lord Atkin at p. 90:

"Criminal Law" means the criminal law in its widest sense"—*Att. Gen. for Ontario v. Hamilton Street Railway*. It certainly is not confined to what was criminal by the law of England or of any Province in 1867. The power must extend to legislation to make new crimes. Criminal law connotes only the quality of such acts of omissions as are prohibited under appropriate penal provisions by authority of the State. The criminal quality of an act cannot be discerned by intuition; nor can it be discovered by reference to any standard but one: Is the act prohibited with penal consequences? Morality and criminality are far from co-extensive; nor is the sphere of criminality necessarily part of a more extensive field covered by morality—unless the moral code necessarily disapproves all acts prohibited by the State, in which case the argument moves in a circle. It appears to their Lordships to be of little value to seek to confine crimes

to a category of acts which by their very nature belong to the domain of "criminal jurisprudence"; for the domain of "criminal jurisprudence" can only be ascertained by examining what acts at any particular period are declared by the State to be crimes, and the only common nature they will be found to possess is that they are prohibited by the State and that those who commit them are punished."

I quote too from the judgment of Duff J. in the Supreme Court of Canada (1929) at p. 413:

"You cannot create a new criminal offence without directly affecting civil rights. The characteristic rules of the Criminal Law, rules designed for the protection of the State and its institutions, for the security of property and the person and public orders rules for the suppression of practices which the Criminal Law notices as deserving chastisement by the State and so on, all are rules restricting the liberty of action of the subjects of the State, and in that sense affecting civil rights; but such acts and neglects are not, as a rule, viewed by the Criminal Law in their juristic aspect, but in their actual effects, physical or moral, as harmful to some interest which it is the duty of the State to protect. They are concerned primarily not with rights, with their creation, the conditions of their exercise, or their extinction; but with some evil or some menace moral or physical which the law aims to prevent or suppress *through the control of human conduct.*" (The italics are mine.)

The primary object of this legislation is the public safety, protecting it from threatened injury. If that is its main purpose—and not a mere pretence for the invasion of civil rights—it is none the less valid because it may be open to a criticism, from which few acts are free, that its purpose would be served equally well by accepting the opinion of others, viz., that sulphur dioxide might with safety be added to the list of usable preservatives. Tampering with food by the introduction of foreign matter, however good the intentions, should properly be regarded as a public evil and it may

properly be regarded as highly dangerous to lower the bars, or to remove restrictions which, rightly or wrongly, Parliament in its wisdom thought fit to prescribe.

I think too, if further support is required, the Act may be upheld because its purpose is not only to protect the consumer, but also to suppress fraud, in its criminal aspect, in the distribution of food products. The product was "sold as fresh sausage." It is in fact the substitution of an article treated with a preservative for one free from extraneous matter. If a dealer sold sausages as "fresh" and treated them in this way he would obtain money by fraud and false pretences and the customer would not be appeased by the assurance of the meat inspector that this "keep 'em" process, as the butchers call it, is wholly effective: However, it is not necessary to rely on this view. This drug in limited quantities may be safe: it is necessary to convince Parliament on that point.

It was also submitted that while Parliament might declare it to be a crime to treat sausages in the way outlined the Governor-in-Council cannot do so. It will be observed by reference to the Act that Parliament did not make it a criminal offence to use sulphur dioxide as a preservative. It only declared, for example, that

"Food shall be deemed to be adulterated if constituents are present in quantity not within the limits of variability fixed by the Governor-in-Council as hereinafter provided."

i.e., by the regulations. I cannot conceive of any sound basis for this submission. The Act in general terms makes the adulteration of food a criminal offence and because it was impossible to define the limits of variability without going into endless details, subject no doubt to change from time to time, the Federal Parliament entrusted that duty to the Governor-in-Council. By section 3, ss. 3 the regulations have the same force and effect as if embodied in the Act. This is not a delegation of a power to the Governor-in-Council to make the use

of sulphur dioxide a crime where Parliament itself did not so provide. Adulteration was made a criminal offence by the parent act by "a general definition and a general condemnation" and this is one form of adulteration within the general prohibition. As stated in *Proprietary Articles Trade Association v. Attorney General of Canada supra* at p. 91—

"if the main object be *intra vires*, the enforcement of orders, genuinely authorized and genuinely made to secure that object are not open to attack."

This, it is true, was said in respect to powers given by the Act then in question to the Board of Commerce but may, I think with propriety, be applied to the point under discussion.

Several provisions of the Act were referred to and many clauses in the regulations to support the submission that property and civil rights are invaded. That is true if the main purpose of the legislation is not kept in view as it must be. We were referred, for example, to Section 4(c) of the Act making it a crime to abstract any valuable constituent from an article of food. This, it was said, would make it an offence for a dairy man to abstract cream from milk. These provisions must be read in the light of the context, having in mind the object in view. As Mr. Blake said in argument in *Regina v. Wason, supra* at p. 223—

"It is necessary . . . to look even more closely than commonly at the whole law, to avoid detached views and the microscopic investigation of isolated words and phrases."

This principle in reading the Act is equally applicable to the regulations. They must be read in their proper setting and regarded as an aid only in securing observance of necessary requirements for the protection of the public from the menace of adulterated food products.

I would dismiss the appeal.

"M. A. Macdonald, J.A."

Vancouver, B.C.
7th March, 1933.

MARTIN, J.A.:²—By this appeal it is sought that the National Food and Drugs Act, R.S.C. 1927, c. 76, be declared to be *ultra vires* of the National Parliament as an infringement upon the Provincial subject-matter of "Property and Civil Rights in the Province" (under s. 92(13) B.N.A. Act) insofar as "the said Act and regulations . . . assume to legislate with reference to the adulteration of food where such adulteration is not injurious to health:" *vide* notice of appeal herein, para. 5.

At the outset it is to be observed, first, that the question has arisen in an unusual way by means of "a friendly action" (so described by plaintiff's counsel) brought by one of the defendant company's own directors against itself, and while there is no legal objection to such a course yet, under such circumstances, it is not to be expected that the company's evidence against itself will be stronger than it deems necessary to make out its case; and, second, that though both the National and Provincial Governments were duly notified of the proceedings pursuant to the Constitutional Questions Determination Act, R.S.B.C. 1924, c. 46, yet neither of them appeared at the trial, and while the National Government is now represented before us and upholds its Act, yet counsel for the Provincial Government who appeared informed us that he was only holding a watching brief, and he did not make any attack upon the validity of said Act, from which the only conclusion to be drawn is that this province, at least, regards that Act as not infringing its constitutional powers, which is something worthy of regard in determining the question of alleged legislative enactment.

What the appellant did was to put a certain amount of a poisonous drug, sulphur dioxide, into its professedly "fresh" sausages in such proportions as to prolong their edible "life" for from 12 to 18 hours before they became unfit for human food by "going sour," and it is submitted that appellant had the legal right to do so because the amount of the drug so put in is so small that it has no harmful effect upon the human body, and I assume for the purposes of this appeal that such is the case, though I note

the meat inspector of the City of Vancouver called by appellant says:

"My experience with sulphides, if I may be permitted to give it, would indicate that it is not very harmful at all. I don't know what quantity one would have to take in order to be detrimental in any way . . ."

And after a favourable comparison with large doses of common salt he goes on to say, in answer to the learned Judge:—"The Court: Q. It could not be inert, because it accomplishes the purpose? A. Well, so far as a poison is consumed. That is what we are speaking of, your lordship. Q. You say it does benefit the digestion, according to your idea? A. Yes, but it would be inert so far as poison is concerned."

The certificate of the Dominion Analyst, put in by appellant, sets out:

"(4) That I duly analysed the said sample and obtained the following results:

"The sample contained 0.46 parts of Sulphur Dioxide (SO₂) per 2000 parts of meat product.

"The sample is a meat product, namely, Fresh Sausage.

"(5) That the said sample is adulterated within the meaning of the Food and Drugs Act (section 4(g)) for the following reasons:

"In that it contained an added preservative, namely, Sulphur Dioxide, which is not listed in Class I, Section XII, of the regulations made under the Food and Drugs Act, made by Order-in-Council, dated February 8, 1928, and, therefore, the presence of the said preservative is contrary to Section IX(2) of the said regulations as amended July 3, 1930.

"(6) That the adulteration of the said sample is of a nature deemed to be, for the purpose of the Act non-injurious to the health of the person consuming the same."

The relevant ordinary meaning of "adulterate" is thus given in the Oxford Dictionary:

"3. Of things: To render spurious or counterfeit; to falsify, corrupt, debase, especially by the admixture of baser ingredients."

² Reasons of Martin, J.A. subsequently delivered and reported 1934 I D.L.R., 706.

This is in general accord with the *ad hoc* definition given by s. 4 of the Act, viz:

"4. Food shall be deemed to be adulterated within the meaning of this Act

"(a) if any substance has been mixed with it so as to reduce or lower or injuriously affect its quality or strength;

"(b) if any inferior or cheaper substance has been substituted wholly or in part for the article;

"(c) if any valuable constituent of the article has been wholly or in part abstracted;

"(d) if it consists wholly or in part of any diseased or putrid or rotten animal or vegetable substance, whether manufactured or not.

"(e) if it is obtained from a diseased animal, or from an animal fed upon unwholesome food;

"(f) if it contains any added poisonous ingredient, or any ingredient which may render it injurious to the health of the person consuming it, whether added with intent or otherwise; or

"(g) if its strength or purity falls below the standard or its constituents are present in quantity not within the limits of variability fixed by the Governor in Council as hereinafter provided."

And s. 5 provides:

"5. Any adulteration of milk shall be deemed to be injurious to health."

"Food" and "drug" are thus defined by s. 2:

"(c) 'drug' includes all medicine for internal or external use for man or animal, and any substance or mixture of substances intended to be used for the treatment, mitigation or prevention of disease in man or animal;

"(d) 'food' includes every article used for food or drink by man, and every ingredient intended for mixing with the food or drink of man for any purpose whatever."

It is to be noted that the sole present attack upon the validity of the Act, and the regulations thereunder, is confined to non-injurious adulteration, from which it is to be inferred that

the Act is admittedly valid as regards injurious adulteration, and it is submitted that if the added ingredient is an adulterant of a non-injurious nature then any legislation by the National Parliament is a colourable invasion of "Property and Civil Rights in the Province" because it is *ex facie* an unnecessary exercise of any power, primary or incidental, conferred upon the Nation by s. 91, either as (1) "Peace, Order, and good Government" of Canada, or (2) "Regulation of Trade and Commerce," or (27) "the Criminal Law."

Now it is obvious that there can be no matter of more vital concern to a state than the preservation of the health of its citizens, because it is literally one of life and death, and unless they have good food they will have bad health, and hence it is difficult to apprehend how it can discharge its paramount duty "to make Laws for the Peace, Order, and good Government of Canada" throughout the whole realm and not merely in parts of it, without "making laws" to secure and protect the public health in its food supply, unless that class of subject was "assigned exclusively to the Legislatures of the Provinces" (s. 91) yet that most beneficial obligation would be frustrated in our, now, Sovereign State of Canada if general measures for the preservation of the National health by ensuring purity of its food could not be passed by the Nation, with the result that different laws on the same vital National matter would prevail not only in all the Provinces of Canada but in the immense National areas of the Yukon and the North Western Territories, which areas comprise about two-fifths of our whole State, and the addition of which to the federated Provinces was provided for by said B.N.A. Act in s. 146.

From very early times, so far back as 51 Hen. III, c. 6, the Statute of the Pillory and Tumbrel and of the Assize of Bread and Ale, etc., there are to be found penal enactments dealing with "corrupt victuals" and in *Burnby v. Bollett*, 16 M. & W. 644, at pp. 654-5, 153 E.R. 1348, the Court of Exchequer said, *per Parke, B.*:

"This position is laid down, apparently in general terms, in *Keilway*, 91; but the cases there referred to,

in the Year Books, 9 Hen. 6, 37, pl. 53, and 11 Edw. 4, Trin. 10, pl. 6, and other authorities . . . when considered, lead to this conclusion, that there is no other difference between the sale of victuals for food, and other articles, than this, that victuallers, butchers, and other common dealers in victuals, are not merely in the same situation that common dealers in other commodities are, and liable under the same circumstances as they are, so that, if an order be sent to them to be executed, they are presumed to undertake to supply a good and merchantable article; but they are also liable to punishment for selling corrupt victuals, by virtue of an ancient statute, (certainly if they do so knowingly, and probably if they do not), and are therefore responsible civilly to those customers to whom they sell such victuals, for any special or particular injury by the breach of the law which they thereby commit. That they, the common dealers, not all persons, are liable criminally for selling corrupt victuals, is clear; for Lord Coke says, in 4 Inst. 261:— 'This court of the leet may inquire of corrupt victual, as a common nuisance, whereof some have doubted, both for that it is omitted in the statute of the leet, and of the weak authority of the book of the 9 Hen. 6, where Martyn saith that it is ordained that none should sell corrupt victual. And Cottismore held the opinion that it is *actio popularis*, whereupon it is collected that the conusance thereof belongeth to the leet; and Martyn and Neal, (11 Hen. 4), agreeing with him, said truly; for, by the statute of 51 Hen. 3, stat. *pillor et tumbrel, et assiss panis et cervis*, and by the statute made in the reign of Edw. I, intituled Stat. *de pistoribus et brasia-toribus et aliis vitellariis*, it is ordained that none shall sell corrupt victuals.'

And see the decision of the Queen's Bench Division in *Shillito v. Thompson* (1875), 1 Q.B.D. 12, that it was a nuisance at common law to expose for sale things unfit for human food.

By the statute, 8 Anne, c. 18 (1709) "An Act to regulate the Price and Assize of Bread," it was provided, s. 3,

that the Court of Lord Mayor and Aldermen within the City of London and its liberties, and other nominated Magistrates without the same "shall have full Power and Authority, from time to time, to limit, direct and appoint, how and in what Manner each Sort of Bread shall be marked, for knowing the Baker or Maker, Price, Weight and Sort thereof; and to make and set down any other reasonable Rules and Orders for the better regulating the Mystery of baking Bread, and the Sorts, Assize, Price, and Weight thereof, and all things concerning the same, as in their Judgments they shall find necessary and convenient . . ."

And the section went on to impose a penalty of 40s. upon conviction for breach of "such Regulations and Orders."

Then by s. 7 it was "Provided also, That if any Baker or Seller of Bread shall put into any Bread by him sold or exposed to Sale, any Mixture of any other Grain than what shall be appointed by the Assize settled in the Place where such Bread shall be sold or exposed to Sale, every such Person so offending shall, for every such Offence, forfeit the Sum of twenty Shillings, to be had and recovered in the Manner and Form herein before-mentioned . . ."

This provision is most significant in relation to the present question because it makes it a criminal offence merely to put into bread "any Mixture of any other Grain" than that which was "appointed" by the Assize of Bread to be used in the "Mystery of baking Bread," quite apart from the fact that such "Mixture of any other Grain" might not only be non-injurious but even beneficial. The obvious intent of so remarkable a provision is not only to preserve the health of the people but to prevent them from being defrauded by the addition of "adulterants" in one main sense of that term, i.e., the substitution or addition of ingredients not properly to be found in an article of food as authorized, or as settled by common public use.

Then "An Act for the due making of Bread; and to regulate the Price and Assize thereof; and to punish Persons who shall Adulterate Meal,

Flour or Bread" was passed, 31 Geo. II, c. 29, (1757) consolidating, repealing and amending various preceding Acts on the subject, and dealing with it elaborately and lengthily, and by s. 3 it allowed bread to be made by mixing "Meal or Flour" of other grains "where it hath been usual to make bread with" them, and by ss. 20-30 provision is made to secure the "Goodness" of "the several Sorts of Bread" and that "genuine Meal or Flour" and "pure water" etc., should "be put therein," and for marking (s. 25) the bread so as to distinguish between wheaten and household or brown bread, etc., and s. 22 provides, "That . . . no Person shall knowingly put into any Corn, Meal or Flour, which shall be ground, dressed, bolted or manufactured for Sale, either at the Time of grinding, dressing, bolting or in any wise manufacturing the same, or at any other Time or Times, any Ingredient, Mixture or Thing whatsoever; or shall knowingly sell, offer or expose to or for Sale, any Meal or Flour of one Sort of Grain as or for the Meal or Flour of any other Sort of Grain, or any Thing as or for, or mixed with the Meal or Flour of any Grain, which shall not be the real and genuine Meal or Flour of the Grain the same shall import to be and ought to be; upon pain that every Person who shall offend in the Premises, and shall be thereof convicted in Manner hereinafter prescribed, shall forfeit . . ."

This extends the protection of the public to include "any Ingredient, Mixture or Thing whatsoever" in addition to mixing grain only, so as to insure that the "real and genuine Meal or Flour of the Grain" shall be what it "imports to be and ought to be" when offered for public consumption.

There is also the substantially similar lengthy Act of 6 & 7 Wm. IV, c. 37 (1836), which recites one of its aims to be for "the punishment of persons who shall adulterate meal, flour or bread, etc., and s. 2 specifies the "Ingredient or matter whatsoever" that may alone be used in making and selling bread, "and mixed in such Proportions as they (bakers) shall think fit," and s. 9 essentially re-enacts said s. 22 of 31 Geo. II.

These statutes are cited to show that for centuries it has been contrary to the criminal law of England to adulterate the principal food — the "staff of life" — of the people with even non-injurious ingredients, and that Parliament has for the same period conferred upon certain public officials the duty of making and enforcing regulations to carry out the intention of such statutes, just as is done in the statute now before us, and therefore, in view of such a long course of legislation preceding the B.N.A. Act, it can only, I apprehend, be held that the same power is continued in the National Parliament under the head (s. 91(27)) of "The Criminal Law," viewed either as a protection of the public from bad health or from fraud, or "cheats," to use the older term employed, e.g., in East's Pleas of the Crown, vol. 2, p. 821, c. XVIII, para. 4, on "Cheats in Matters of public concern," where it is said:

"So all frauds affecting the crown and the public at large are indictable, though arising out of a particular transaction or contract with the party. This was admitted by the very terms of the objection in the following case."

The case cited is that of *Rex v. Treeve* (1796), a brewer, who was indicted for "knowingly, wilfully, deceitfully and maliciously" providing certain French prisoners of war, confined in Cornwall, with unwholesome food, viz., bad bread, whereby the prisoners "became distempered in their bodies and injured and endangered in their healths; to (their) great damage . . . to the great discredit of our said Lord the King, to the evil example, etc., and against the peace, etc.," and upon that indictment Treeve was found guilty, and the report proceeds (pp. 821-2):

"After conviction, it was objected in arrest of judgment that the offence as laid was not indictable; as it did not appear that what was done was in breach of any contract with the public or of any moral or civil duty; and judgment was respited to take the opinion of the Judges. But in Michaelmas term 1796 they all held the conviction right . . . for the giving of any person unwholesome victuals not fit for man to eat, *lucri*

causa, or from malice or deceit, is undoubtedly in itself an indictable offence, apart from any other consideration, which entered deeply into the demerits of the defendant's conduct."

This decision was followed in *Rex v. Dixon*, 3 M. & S. 381, 105 E.R. 516.

Though, to illustrate my view, I have referred mainly to statutes directed to securing good bread for the people, yet that of their drink was not only regarded in the said Bread and Ale statute of 51 Henry III (the first statute on general food adulteration) but by several later statutes relating, e.g., to the adulteration of tea, coffee and chocolate, and though the main object of some of them was to protect the revenue yet the health of the people was also by no means overlooked and that object was so declared therein by recitals and substantive discrete sections, and also the damage done to "fair traders" by the fraudulent practices of dishonest ones, which was treated and penalized as a fraud upon the public, as, e.g., in 1718 by c. 11 of 5 Geo. I, s. 23 (which was by the Short Titles Act, 1896 (Imp.), c. 14, given the title of "The Adulteration of Coffee Act, 1718"), viz:

"23. And whereas divers evil-disposed Persons have at the Time, or soon after the roasting of Coffee, made use of Water, Grease, Butter, or such like Materials, whereby the same is rendered unwholesome, and greatly increased in Weight, to the Prejudice of His Majesty's Revenue, the Health of His Subjects, and to the Loss of all honest and fair Dealers in that Commodity: For the Prevention whereof, Be it enacted by the Authority aforesaid, That from and after the five and twentieth Day of March one thousand seven hundred and nineteen, if any Person or Persons whatsoever shall at the roasting of any Coffee, or before or at any Time afterwards make use of Water, Grease, Butter, or any other Material whatsoever, which will increase the Weight, or damnify and prejudice the said Coffee in its Goodness, he, she or they shall forfeit the Sum of twenty Pounds for every such Offence; and if any Trader or Dealer in Coffee shall knowingly buy or sell any such Coffee, he, she or they

shall forfeit the Sum of twenty Pounds for every such Offence, one Moiety whereof to his Majesty, and the other Moiety to him or them who will sue for the same."

It is to be observed that there also the addition of normally non-injurious ingredients, such as water and butter, are treated as an adulteration amounting to a crime, because it "increased the weight" or "damnified and prejudiced the said coffee in its goodness;" in other words, changed its ordinary constituents.

Similar provisions are to be found in the Adulteration of Tea and Coffee Act, 1724 (11 Geo. I, c. 30; Short Titles Act, *supra*) s. 5 of which imposes a penalty of £100, and forfeiture of the adulterated article, upon those persons who "counterfeit or adulterate tea," or who "shall alter, fabricate or manufacture Tea with *Terra Japonica*, or with any Drug or Drugs whatsoever, nor shall mix or cause or procure to be mixed with Tea any Leaves other than Leaves of Tea, or other Ingredients whatsoever; on pain . . ."

That prohibition is precisely the same as the one before us because it forbids the "alteration" of tea by mixing with it any "drug or drugs whatsoever," or "other ingredients whatsoever," quite apart from their non-injurious effect. In this section, it is to be noted, the word "adulterate" is used for the first time (I think, after a diligent search) in this class of legislation.

Section 9 of the same Act relates to coffee and denounces and penalizes the practices of "divers evil-disposed Persons" who with intent "to defraud and impose upon such as buy the same" mix "Butter, Lard, Grease, Water or other Materials" with roasted coffee, etc., in order to increase its weight, etc., "to the Prejudice of the Health of His Majesty's Subjects and to the Loss and Injury of all honest and fair Dealers therein."

The Adulteration of Tea Act, 1730 (4 Geo. II, c. 14) relating to Starch, Coffee, Tea and Chocolate, in its recital refers to the "Frauds that have been committed, and are still carrying on by the Makers of Starch, to the great Damage and Loss of the fair Traders, and to the lessening of the

Revenue . . .” and s. 11 penalizes the adulteration of tea by mixing or colouring it (a new provision) with any ingredients or materials whatsoever, and s. 12 deals with coffee and chocolate adulteration and “imitation.”

It is unnecessary to refer to the modern legislation on the subject, which, in England, is to be found in the Food and Drugs (Adulteration) Act, 1928 (Imp.), c. 31, and other statutes of similar import (conveniently set out in 8 Halsbury's Statutes, pp. 841-911); and in Canada (R.S.C. 1927) in addition to the present Food and Drugs Act, there are many others, such as the Meat and Canned Foods Act, c. 77; the Fish Inspection Act, c. 72; the Fisheries Act, c. 73 (re-enacted 1932 (Can.), c. 42); the Fruit Act, c. 80; the Canada Grain Act, c. 86 (re-enacted 1930 (Can.), c. 5); the Opium and Narcotic Drug Act, c. 144 (re-enacted 1929 (Can.), c. 49); the Proprietary or Patent Medicine Act, c. 151; the Dairy Industry Act, c. 45, and also several sections of the Criminal Code including ss. 224 and 207(c).

It follows clearly, to my mind, from the foregoing brief historical review, that the National Parliament was validly exercising its powers in passing the impugned legislation, the primary objects of which were to create new offences for the general protection of the National health and to prevent dishonesty in dealings in the subject-matter, and there is nothing in its nature nor in its practical operation that invades, or conflicts with Provincial powers under “Property and Civil Rights in the Province” which may be exercised in the concurrent manner and to the extent pointed out by the Ontario Court of Appeal in *Reg. v. Wason* (1890), 17 A.R. (Ont.) 221, wherein a Provincial “Act to provide against frauds in the supplying of Milk to Cheese or Butter Manufactories” (1888 (Ont.), c. 32) was held to be valid because, as Burton, J.A., succinctly put it at p. 236,

“The enactment was simply one for the regulation of a particular trade or business, and for the prevention of frauds in the manner in which it is conducted . . .

“How then can the fact that the Legislature has, in exercise of its

powers to impose a penalty for enforcing the laws which it has power to make, imposed a penalty, convert that into a crime which was not so otherwise?”

And at p. 238:

“This does not at all conflict with the decision arrived at by this Court in *Regina v. Eli*, 13 A.R. 526, where the offence was one created by an Act of the Parliament of Canada, and by it made a crime, and all the procedure connected with the infliction of punishment for this crime had necessarily to be fixed by the same Parliament, in which case, therefore, we were compelled to hold that the Court had no jurisdiction to entertain the appeal.”

And in the same case, speaking of the old Dominion Adulteration Act, 1885 (Can.), c. 67 (re-enacted R.S.C. 1887, c. 107) MacLennan, J.A., p. 248, used language entirely applicable to the present Act, viz:

“(It) is universal in its scope and application, and prohibits the forbidden acts by all persons whomsoever under all circumstances, and in all places throughout the Dominion, while the Provincial Act is confined to the dealings between these two particular kinds of manufacturers and their customers. The one has all the features of a public criminal law passed in the interest of the general public; the other is merely the regulation of the mode of carrying on a particular trade or business within the Province, so as to secure fair and honest dealing between the parties concerned.”

This language was unanimously adopted and applied by the Common Pleas Division in *Reg. v. Stone* (1892), 23 O.R. 46, at p. 49. Cf. also our recent decision in *Rex v. Morley*, (1932) 4 D.L.R. 483, 58 Can. C.C. 166, 46 B.C.R. 28, on the “lines of demarcation” between Provincial game rights and National Indian Reserves.

It is only necessary to add the decision of the Privy Council in *Proprietary Articles Trade Ass'n v. A.-G. Can.*, (1931) 2 D.L.R. 1, at pp. 9-10, 55 Can. C.C. 241, at pp. 249-50, wherein it was said *per* Lord Atkin:

“‘Criminal Law’ means ‘the criminal law in its widest sense’ (*A.-G.*

Ont. v. Hamilton Street Railway (1903), 7 Can. C.C. 326). It certainly is not confined to what was criminal by the law of England or of any Province in 1867. The power must extend to legislation to make new crimes. Criminal law connotes only the quality of such acts or omissions as are prohibited under appropriate penal provisions by authority of the State. The criminal quality of an act cannot be discerned by intuition; nor can it be discovered by reference to any standard but one: Is the act prohibited with penal consequences?

... It appears to their Lordships to be of little value to seek to confine crimes to a category of acts which by their very nature belong to the domain of 'criminal jurisprudence;' for the domain of criminal jurisprudence can only be ascertained by examining what acts at any particular period are declared by the State to be crimes, and the only common nature they will be found to possess is that they are prohibited by the State and that those who commit them are punished."

It is beyond question that, in the due exercise of National powers over criminal law, Provincial civil rights may be interfered with and drastically curtailed, and perhaps the most striking historical example of curtailing rights of property and making their abusive exercise a crime is to be found in the great moral reform begun in the passing of legislation making cruelty to animals a crime though at common law the members of the animal kingdom were at the mercy of the wanton brutality of their owners; the first example in Europe of such legislation was the "Act to prevent the cruel and improper Treatment of Cattle, 3 Geo. IV, c. 71 (1822) (known as Martin's Act) in regard to the then novel criminal aspect of which Lord Campbell says in his "Lives of the Lord Chancellors," vol. 6, p. 466 (Life of Lord Erskine):

"Erskine again (1810) introduced his bill, with some amendments, in the next session, and it underwent much discussion, but finding that he was not likely to carry it through the House of Commons, he withdrew it after it had passed the committee. When Windham was gone,

and the passion for bull-baiting and boxing had subsided, it was introduced there by (Richard) Martin of Galway, and finally in Erskine's lifetime, received the sanction of the Legislature. Independently of the 'rights of brutes,' which it may be difficult to protect by human laws, although the subject of religious and moral obligation, I think there can be no doubt that any malicious and wanton cruelty to animals in public,—outrages the feelings,—has a tendency to injure the moral character of those who witness it,—and may therefore be treated as a crime."

See also Lecky's "History of European Morals" 1884, vol. ii, pp. 176-7; Fairholm & Pain's "A Century of Work for Animals," 1924, cc. 1-2; Coleman's "Humane Society Leaders in America," 1924, c. 1 and Wellesley Pain's "Richard Martin," 1925; and *Russell v. The Queen* (1882), 7 App. Cas. 829, at p. 839, expressly recognizes the principle as applied to animals as part of public morals and "wrongs".

Then it was further submitted that Parliament could not delegate its powers to the Governor-in-Council to make regulations defining what articles of food should not be manufactured or sold (s. 23) even though non-injurious to health, but that submission is answered by the decisions of the Privy Council in the *Proprietary Articles* case (D.L.R. p. 12, Can. C.C. p. 252) and in *Lymburn v. Mayland*, (1932) 2 D.L.R. 6, 57 Can. C.C. 311, which hold that the Legislature which has the power may employ its own instruments to exercise it, in the latter case, by the Provincial Attorney-General who was empowered to make wide inquiries, their Lordships saying (D.L.R. p. 11, Can. C.C. pp. 316-7):

"The provisions of this part of the Act may appear to be far-reaching; but if they fall, as their Lordships conceive them to fall, within the scope of legislation dealing with property and civil rights the legislature of the province, sovereign in this respect, has the sole power and responsibility of determining what degree of protection it will afford to the public. There appears to be no reason for excluding Dominion companies from the inquiries of the Attorney-General under this section;

and no inconsistency between this legislation and the powers of inquiry under the Dominion Companies Act made on application of members of a company and for a limited purpose, viz., the investigation of the affairs of the company."

The case is also a good illustration of the modern expansion of the principle enunciated in *Reg. v. Wason*, and *Rex v. Morley*, *supra*.

Hitherto I have been considering the matter upon the assumption that the manufacture of food products is, as submitted by appellant's counsel, one of Public Health and therefore a matter of "Property and Civil Rights" and hence exclusively within Provincial powers, and that though good food admittedly affects public health yet that subject-matter is also within the same jurisdiction as forming part of property and civil rights, and reliance was placed upon the observation of Walkem, J., in *Re Bowack* (1892), 2 B.C.R. 216, at p. 224, on certain by-laws passed by the City of Vancouver, viz.:

"The present case has arisen under the *Public Health Act* and a set of by-laws passed under its provisions by the Corporation of Vancouver. The by-laws are within those provisions, and the Act itself, in so far as it relates to the question I have to decide, is constitutional, as the subject of public health falls within the class of legislative matters assigned to the Province by section 92 of the *British North America Act*."

On this it is to be observed, first, that the validity of the Provincial Public Health Act was not in question, but only that of the municipal by-law passed by the city in ostensible compliance with the powers locally conferred upon it by its charter, the Vancouver Incorporation Act, 1886 (B.C.), c. 32, and amending Act (1889 (B.C.), c. 40) from the Provincial Legislature; and second, that Walkem, J., was careful to confine his language to "the question I have to decide," which is not the one before us.

But the general matter of public health does not exclusively fall within the matters assigned to the Provinces and it is not even an "enumerated head" in either section, 91 or 92, which

is a surprising thing considering its primary importance, but that subject-matter is in fact, in certain aspects, but under other enumerated heads, partly and in effect, though indirectly distributed between the Dominion and the Provinces, viz., to the Dominion by s. 91, head 11—"Quarantine and the Establishment and Maintenance of Marine Hospitals;" by head 10, "Navigation and Shipping," implemented by the Canada Shipping Act, R.S.C. 1927, c. 186 (containing many provisions relating to sick and distressed seamen and the safety and welfare of passengers), and by s. 95 "Agriculture and Immigration," which includes very wide powers for safeguarding the public health as long exercised under the Immigration Act and the Chinese Immigration Act, R.S.C. 1927, cc. 93 and 95; while to the Provinces is given by s. 92, head 7, "The Establishment, Maintenance and Management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Province, other than Marine Hospitals;" and by heads 10 and 16 "Local Works and Undertakings" (save as excepted) and "Matters of a merely local or private Nature in the Province;" and head 13, "Property and Civil rights," which undoubtedly includes many aspects of public health; and by s. 95 a limited concurrent power over "Immigration into the Province."

Under these distributed powers, and also, to the Dominion that primary one in the opening words of s. 91, "to make Laws for the Peace, Order, and good Government of Canada" in matters "not assigned exclusively" to the Provinces, both Parliament and Legislatures have passed many statutes affecting the matter of public health, which assumes a great variety of aspects, e.g., as included in England in the National Health Insurance Act, 1924 (Imp.), c. 38, and all the long list of matters noticed in the two volumes of Lumley's Public Health, 1908, 7th ed. (vide Preface) and 13 Halsbury's Statutes, 1930, ranging from mortuaries, bath-houses, and sewers, to ships, hop pickers and shooting galleries, and not overlooking the Rats and Mice (Destruction) Act, 1919 (Imp.), c. 72. Some of the principal Acts on the subject passed by the Parliament of Canada (R.S.C. 1927) in addition to those already mentioned,

are the Department of Health Act, c. 90 (now 1928 (Can.), c. 39); the Quarantine Act, c. 168; the Leprosy Act, c. 119; the Public Works Health Act, c. 91, etc., of which, in principle the most important, presently, is the first-named because in defining the wide "duties and powers of the Minister of Health" s. 4 declares that they shall be carried out in a spirit of

"(a) Co-operation with the provincial, territorial, and other health authorities with a view to the co-ordination of the efforts proposed or made for preserving and improving the public health, the conservation of child life and the promotion of child welfare." And s. 7 disclaims interference with "any Provincial or Municipal Board of Health or other health authority operating under the laws of any province."

The international aspect of the matter under the Treaty with the United States and the enforcement of the rules or regulations of the International Joint Commission "relating to boundary waters and questions arising . . . so far as the same relate to public health" is recognized by s. 4(f); to which may be added, as a final illustration of the National importance of the subject, the fact that Canada is a member of the League of Nations which has an important Health Organization, on the Committee of which Canada is represented.

This Province has, on its part, passed the Health Act, R.S.B.C. 1924, c. 102, which deals elaborately with many phases of the matter.

It is to be observed that in Hawkins' Pleas of the Crown, 8th ed., vol. 1, that learned author includes in Book 1, Part II, "Offences Against the Commonwealth," p. 353, the "head" of "Offences Against the Public Health" and considers them, as of that period, at p. 681, and includes that of "spreading the infection of the plague."

It follows, from all the foregoing, to my mind, that since it is clear that the present impeached Act could not have been passed by a Provincial Legislature and the subject-matter is not within its exclusive assignment, said Act is within the "Peace, Order, and good Government" power of Parliament as well as within that of criminal law, and therefore under both heads, as

applied to the facts of this case, Parliament has the power to prohibit the addition of poison to any extent to food prepared for public consumption.

The construction that has been "authoritatively put on ss. 91 and 92 by the more recent decisions" of the Privy Council is thus stated in *Toronto Electric Com'rs v. Snider*, (1925) 2 D.L.R. 5, at p. 10:

"The Dominion Parliament has, under the initial words of s. 91, a general power to make laws for Canada. But these laws are not to relate to the classes of subjects assigned to the Provinces by s. 92, unless their enactment falls under heads specifically assigned to the Dominion Parliament by the enumeration in s. 91. When there is a question as to which legislative authority has the power to pass an Act, the first question must therefore be whether the subject falls within s. 92. Even if it does, the further question must be answered, whether it falls also under an enumerated head in s. 91. If so, the Dominion has the paramount power of legislating in relation to it. If the subject falls within neither of the sets of enumerated heads, then the Dominion may have power to legislate under the general words at the beginning of s. 91."

And in the later *Proprietary Articles* case their Lordships stated this "canon of construction," (1931) 2 D.L.R., at p. 3, 55 Can. C.C., at pp. 242-3:

"The general powers of legislation for the peace, order and good government of Canada are committed to the Dominion Parliament, though they are subject to the exclusive powers of legislation committed to the Provincial Legislatures and enumerated in s. 92. But the Provincial powers are themselves qualified in respect of the classes of subjects enumerated in s. 91, as particular instances of the general powers assigned to the Dominion. Any matter coming within any of those particular classes of subjects is not to be deemed to come within the classes of matters assigned to the Provincial Legislatures."

In *Great West Saddlery Co. v. The King* (1921) 58 D.L.R. 1, at p. 5, their Lordships said:

"If it also falls within any of the enumerated heads of sec. 91, then it cannot be treated as covered by any of those in sec. 92."

The unusual element herein is that the subject-matter of public health is an "un-enumerated head" and is only indirectly and partly "covered" by both sections, and therefore, in my opinion, the "general powers . . . committed to the Dominion Parliament" may be invoked to fortify its position in the practical working out of the "interlacing" powers in the manner adumbrated by Lord Watson in *A.-G. Ont. v. A.-G. Can. (Local Prohibition Case)*, (1896) A.C. 348, at pp. 360-2, 366-7.

And cf also *Re Regulation & Control of Radio Communication*, (1932) 2 D.L.R. 81, 39 C.R.C. 49.

Such being my opinion it is not necessary to pass upon the submission that the legislation in question can also be sustained under s. 91(2), "The Regulation of Trade and Commerce," though I do not wish it to be thought that I am opposed to that submission, on the contrary, I recognize, after giving it some, but not final, consideration, that there is much to be said in favour of it herein because the facts and wide circumstances before us, i.e., the general regulation of a National pure food supply "affecting the whole Dominion," in the field of public health already preponderantly open to the authority of the National Parliament, are essentially different from those considered in e.g., *Citizens Ins. Co. v. Parsons* (1881), 7 App. Cas. 96, wherein it was held that insurance contracts were civil rights and therefore within Provincial authority, but their Lordships took care to say, p. 113:

"Construing therefore the words 'regulation of trade and commerce' by the various aids to their interpretation above suggested, they would include political arrangements in regard to trade requiring the sanction of parliament, regulation of trade in matters of inter-provincial concern, and it may be that they would include general regulation of trade affecting the whole dominion. Their Lordships abstain on the present occasion from any attempt to define the limits of the authority of the Dominion Parliament in this direction.

It is enough for the decision of the present case to say that, in their view, its authority to legislate for the regulation of trade and commerce does not comprehend the power to regulate by legislation the contracts of a particular business or trade, such as the business of fire insurance in a single province, and therefore that its legislative authority does not in the present case conflict or compete with the power over property and civil rights assigned to the legislature of Ontario by No. 13 of sect. 92.

"Having taken this view of the present case, it becomes unnecessary to consider the question how far the general power to make regulations of trade and commerce, when competently exercised by the Dominion Parliament, might legally modify or affect property and civil rights in the provinces, or the legislative power of the provincial legislatures in relation to those subjects; questions of this kind, it may be observed, arose and were treated of by this Board in the cases of *L'Union St. Jacques de Montreal v. Belisle* (1874), Law Rep. 6 P.C. 31, and *Cushing v. Dupuy* (1880), 5 App. Cas. 409."

This decision was considered in *A.-G. Ont. v. A.-G. Can. (Local Prohibition Case)*, *supra*, at p. 363; by Anglin, J., in *Re Insurance Act (Can.)* 1910 (1913), 15 D.L.R. 251, 48 S.C.R. 260, at p. 308, and by Davies, J., at pp. 269-71, and reference should also be made to *Montreal v. Montreal St. R. Co.* (1912), 1 D.L.R. 681, at p. 687; *John Deere Plow Co. v. Wharton* (1914), 18 D.L.R. 353, at p. 360 (applying *Parson's* case to matters of "general interest" and restricting the literal interpretation of "civil rights"); *A.-G. Ont. v. A.-G. Can. (The Companies Case)* (1916), 26 D.L.R. 293; *Great West Saddlery Co. v. The King*, *supra*; *A.-G. Can. v. A.-G. Alta.* (Board of Commerce case) (1921), 60 D.L.R. 513; *Toronto Electric Com'rs. v. Snider*, *supra*, at pp. 10, 13-14; *Proprietary Articles Trade Ass'n* case, (1931) 2 D.L.R., at p. 11, 55 Can. C.C., at pp. 251-2; *A.-G. Man. v. A.-G. Can.*, (1929) 1 D.L.R. 369, at p. 374; *Lymburn v. Mayland*, (1932) 2 D.L.R., at pp. 9, *et seq.*, 57 Can. C.C., at pp. 314, *et seq.*; Lefroy's *Canadian Constitutional Law* (1918),

pp. 102-5, 123-4, and Clement's Canadian Constitution, 3rd ed., pp. 475-7. In considering these authorities regard would be had to the great change effected by modern methods of transportation, including aerial, by which the food products of the various Provinces may be rapidly distributed to consumers throughout the State.

But at present it is not expedient to pursue this interesting question, and so, in conclusion, I cite, upon the whole subject, from that monumental and admirable work, Holdsworth's History of English Law, 1924, vol. IV, pp. 362, 373, *et seq.*, *sub. tit.*, "Agriculture, the Food Supply, and Prices"

and "The measures taken by the government to ensure an adequate food supply and due distribution," the instructive passages therein showing that even in Tudor times the vital National importance of this subject was recognized, and the learned author says, (p. 363):

"The measure of the success of the Tudor legislation is the increase in the prosperity of the country, and the firmness with which the authority of the government was established amid changes which might well have endangered its peaceful development."

It follows that, in my opinion, the appeal should be dismissed.

CHAPTER 3

RELATED FEDERAL FOOD AND DRUG LAWS

In addition to the Food and Drugs Act, which is dealt with extensively in Part II of this book, there are at both the federal and provincial levels a number of statutes which also deal with food and drugs.

This chapter will attempt to deal with certain of the federal statutes by providing some explanation of their purpose and administration, from which a perspective may be gained as to the division, at the federal level, of the subject of food and drugs.

It will be appreciated that, in addition to there being at the federal level, a large number of statutes which are concerned with some phase or other of the subject of food and drugs, it is not always easy from a perusal of a given statute to understand its legal and administrative purpose in relation to some other branch of the subject which may appear either to overlap it or to duplicate some feature of it. Moreover, the situation is somewhat complicated from the point of view of anyone who has no intimate knowledge of the subject, by the fact that certain commodities are dealt with in a number of statutes, but in each from a particular point of view.

Without wishing to make a complicated situation seem more complicated, there is the further difficulty of relating the scope and purpose of a number of federal statutes to provincial statutes, which would seem to cover either an identical purpose or at least a part of the purpose of the federal acts.

For the sake of convenience, and in order to make the situation as clear as possible this chapter will deal only with certain of the federal acts. The provincial acts which are considered to come within the scope of this book will be dealt with in another chapter.

An examination of the table of statutes will show that there are a great many federal statutes which involve in some way or other the subject of food or of drugs. Some basis of selection is therefore necessary because it would not only be impracticable to discuss all of the federal acts but an examination of many of them would show that they do not directly relate to what one ordinarily considers to be a branch of the food and drug law.

The federal laws which will be discussed in this chapter will be those which directly relate in some particular or other to the protection of the consuming public, or which impose restrictions or requirements on the production, manufacture, distribution or marketing of food and drugs. Laws, however, which do not directly relate to or deal with these purposes will not be discussed or reproduced. The following statutes amongst others, for example, are not considered to be sufficiently related to the purposes as above mentioned to warrant reproduction in this book or to merit particular discussion: The Agriculture Aids Act, The Fisheries Prices Support Board Act, The Deep Sea Fisheries Act, and the Weights and Measures Act.

The statutes which have been enacted at the federal level and which do come within the purposes as above outlined, as relating to the protection of the public, or the production, manufacture, distribution or marketing of food and drugs, are as follows:

Drugs

- The Food and Drugs Act
- The Opium and Narcotic Act
- The Pest Control Products Act
- The Proprietary or Patent Medicines Act

Food

- The Agricultural Products Marketing Act
- The Canada Dairy Products Act
- The Fish Inspection Act 1949
- The Fish Inspection Act 1914
- The Fruit, Vegetables and Honey Act
- The Live Stock and Live Stock Products Act
- The Maple Products Industry Act
- The Meat and Canned Foods Act

From the point of view of the layman, and even from the point of view of the lawyer who has not made a specialty of the food and drug law, some explanation is required both as to the administrative purposes of these acts as well as to the legislative division of the subject matter which they respectively cover.

While it would be highly desirable if a commodity were dealt with wholly by one statute, this unfortunately is seldom done. On the contrary, many commodities are subject to two or more, as the case may be, of these acts, but each for a particular purpose. This purpose, however, cannot always be easily learned from the title or from a perusal of the statute itself. With the exception, therefore, of narcotic drugs and perhaps of maple products, most foods and drugs are subject to the provisions of at least two or more acts.

It is only by some examination of the legislation itself, as well as of its administrative purpose, that a clear picture can be obtained as to the purpose which a food, from a particular point of view, is dealt with by a statute. For example, the Fruit, Vegetables and Honey Act deals with raw fruits and vegetables and the Meat and Canned Foods Act with processed fruits and vegetables. Both establish grade standards and provide for inspection, packaging and marking of the respective products with which they are concerned. Similarly, meat is dealt with under the Meat and Canned Foods Act, but essentially from the health point of view, whereas the Live Stock and Live Stock Products Act deals with meat from the point of view of grade standards. Again, canned fish and shell-fish are dealt with under special regulations of the Meat and Canned Foods Act, while fish otherwise packed or treated are dealt with under the Fish Inspection Act.

It is considered that the above sufficiently illustrates that there is an administrative purpose as well as a legislative division of the subject matter as between these various federal statutes, but without some detailed explanation it is not always easy to understand either the purpose or the division.

It may be of convenience, in approaching the explanation of the subject matter, to examine the administrative divisions thereof between certain departments of government.

Broadly speaking, there are three Departments of Government at the federal level that are concerned with the subject of food and drugs. Each of these departments is established by an act of Parliament and the acts which establish the departments respectively sets forth the duties and responsibilities of each.

The three departments which are referred to are the Department of National Health and Welfare, the Department of Agriculture, and the Department of Fisheries. In addition to these departments there are, of course, others which also deal with legislation concerning the subject of food and drugs. Such legislation, however, is considered to be less directly related to the subject than is the legislation of the three departments mentioned. For example, the Department of the Secretary of State administers trade mark and patent legislation, the Department of National Revenue administers customs legislation, and the Department of Trade and Commerce administers legislation concerned with exports.

Department of National Health and Welfare

The Department of National Health and Welfare is established by the Department of National Health and Welfare Act, R.S.C. 1952, Cap. 74, which by Section 5, provides, *inter alia*:

5. "the duties, powers and functions of the Minister extend to and include all matters relating to the promotion or preservation of the health, social security and social welfare of the people of Canada over which the Parliament of Canada has jurisdiction, and without restricting the generality of the foregoing, particularly the following matters:
(a) the administration of such acts of the Parliament of Canada and of orders or regulations of the Government of Canada as are not by law assigned to any other department of the Government of Canada or any minister thereof relating in any way to the health, social security and welfare of the people of Canada;
(g) The administration of the Food and Drugs Act, The Opium and Narcotic Drug Act, the Quarantine Act, the Public Works Health Act, the Leprosy Act, the Proprietary or Patent Medicine Act and the National Physical Fitness Act and of all orders and regulations passed or made under any of the said Acts;"

The Department of Agriculture

The Department of Agriculture is established by the Department of Agriculture Act, R.S.C. 1952, Cap. 66, which by Section 5, provides:

5. (1) "the following subjects are under the control and direction of the Minister of Agriculture, that is to say:
(a) Agriculture;
(b) Arts and Manufactures;
(c) Experimental Farm Stations.
(2) The Governor in Council may at any time assign any other duty or power to the Minister of Agriculture. R.S., c. 4, 55.

Amongst the statutes which are administered by that Department are the following which are directly related to the subject and which will be briefly commented upon in this chapter.

The Agricultural Products Marketing Act;
 The Canada Dairy Products Act;
 The Fruit, Vegetables and Honey Act;
 The Live Stock and Live Stock Products Act;
 The Maple Products Industry Act;
 The Meat and Canned Foods Act;
 The Pest Control Products Act.

The Department of Fisheries

The Department of Fisheries is established by the Department of Fisheries Act, R.S.C. 1952, Cap. 69. Section 5 of that Act sets forth the duties and powers of the Minister and charges him with the administration of the acts or parts thereof that are specified in the Schedule to the Act and of the orders or regulations passed or made under any of them.

The Schedule to the Act contains the following listed statutes. The references are to the Revised Statutes of Canada, 1952:

Customs and Fisheries Protection Act (so far as it relates to fisheries).
 Deep Sea Fisheries Act
 Fish Inspection Act
 Fisheries Act
 Fisheries Research Board Act
 Meat and Canned Foods Act (so far as it relates to the canning of fish and shell fish)
 Northern Pacific Halibut Fishery (Convention) Act.
 1930, c. 21, Sch.; 1937, c. 31, s. 13; 1937, c. 36, s. 15.

Of the number of statutes which are in the responsibility of the Department of Fisheries, only the Fish Inspection Act is dealt with in this chapter, as being related to the subject of this book. In addition, it may be mentioned that by statute the Regulations under the Meat and Canned Foods Act, which deal with fish, are also administered by the Department of Fisheries.

The above are the Departments of Government and the various statutes at the federal level, which are directly within the scope and purpose of this book.

Criminal Code of Canada

In order to complete the explanation of this branch of the subject mention should be made of the Criminal Code of Canada which is administered by the federal Department of Justice and also by the respective Departments of the Attorneys-General of the various provinces of Canada. As can be imagined, from the phrase "Criminal Code", the provisions of that Act which deal with the subject do so from a different point of view than is the case in the other Acts mentioned. This is so, even though constitutionally the basis of the Food and Drugs Act, the Opium and Narcotic Drug Act, and perhaps others, is considered to be in the field of criminal law.

The Criminal Code of Canada is not primarily concerned with the production, manufacture or distribution of food and drugs, but insofar as it is relevant to this book, contains provisions that are directly concerned with the prohibition of the sale of a food that is

unfit for human consumption, with the use of dangerous things, and with fraudulent advertisements. It will be appreciated, of course, that these matters may also be covered by other legislation which may also impose sanctions for breaches. The Sections of the Criminal Code which deal with food and drugs in this connection are but three in number, and are therefore reproduced in full as follows:

207. "Everyone is guilty of an indictable offence and liable to two years' imprisonment who knowingly, without lawful justification or excuse,
 - (c) "offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means or instructions or any medicine, drug or article intended or represented as a means of preventing conception or of causing abortion or miscarriage or advertises or publishes an advertisement of any means, instructions, medicine, drug or article for restoring sexual virility or curing venereal diseases or diseases of the generative organs.
 2. "No one shall be convicted of any offence in this section mentioned if he proves that the public good was served by the acts alleged to have been done, and that there was no excess in the acts alleged beyond what the public good required.
 3. "It shall be a question for the court or judge whether the occasion of the manufacture, sale, exposing for sale, publishing, or exhibition is such as might be for the public good, and whether there is evidence of excess beyond what the public good required in the manner, extent or circumstances in, to or under which the manufacture, sale, exposing for sale, publishing or exhibition is made; but it shall be a question for the jury whether there is or is not such excess.
 4. "The motives of the manufacturer, seller, exposor, publisher or exhibitor shall in all cases be relevant.
224. "Everyone is guilty of an indictable offence and liable to one year's imprisonment who knowingly and wilfully exposes for sale, or has in his possession with intent to sell, for human food, articles which he knows to be unfit for human food.
 2. "Every one who is convicted of this offence after a previous conviction for the same crime shall be liable to two years' imprisonment.
- 406.
3. "(a) Every person who publishes, or causes to be published, any advertisement containing any statement or guarantee of the performance, efficacy or length of life of any product for the purpose of either directly or indirectly promoting the sale or disposal of such product and which statement or guarantee is not based upon an adequate and proper test, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding two hundred dollars or to six months' imprisonment, or to both fine and imprisonment: Provided that any person publishing any such advertisement accepted in good faith in the ordinary course of his business shall not be subject to the provisions of this subsection;
"(b) Without excluding any other adequate and proper test, a test by The Honorary Advisory Council for Scientific and Industrial Research or any other public department shall be considered an adequate and proper test for the purposes of this subsection, but no reference shall be made in any such advertisement to the fact that a test has been made by such Council or other public department, unless and until the details and form of the proposed advertisement have been approved and permission has been given, in writing, by the Council or department which made the test.
"(c) On any prosecution under this subsection, the burden of proof that an adequate and proper test has been made shall lie on the defendant. Am. 1931, c. 58, s. 5; 1935, c. 56, s. 6; 1938, c. 44, s. 21; 1939, c. 30, s. 7; 1943, c. 23, s. 11."

The above sufficiently deals with the administrative division of the subject matter as between departments of government in order to lay the foundation on which the various acts can be discussed.

Apart from the Food and Drugs Act, there are only three statutes at the federal level which deal with drugs and for convenience these will be discussed first.

Drug Legislation

Opium and Narcotic Drug Act—R.S.C. 1952, c. 201

Early in the present century, opinion began to concentrate upon the necessity for an attempt at world control of the narcotic traffic. With this objective in view, Opium Conferences were held at Shanghai in 1909, and at The Hague in 1911 and 1912.

In 1908, Parliament passed an act which was the first measure dealing with the suppression of opium. This made it an offence to sell, offer for sale, possess or manufacture crude opium for other than medicinal purposes, or opium prepared for smoking.

The effect of the Act was very noticeable insofar as the opium traffic was concerned on the Pacific Coast, but it was soon found that the narcotic evil had spread to other parts of Canada and that the improper use of morphine, heroin, and cocaine had reached noticeable proportions. To cope with this situation, further legislation was passed in 1911 by Parliament resulting in cocaine, morphine and heroin being brought under control. .

In 1920 the present far-reaching narcotic act was enacted, the guiding principles of which were to comply with the provisions of the international opium conventions and provide the necessary machinery for dealing effectively with the illicit narcotic traffic but without unnecessary interference with the practice of medicine. Subsequently a centralized control at Ottawa of all legitimate narcotic transactions was inaugurated.

In 1919 a federal Department of Health was created and to it was assigned the administration and supervision of the enforcement of the Narcotic Act. As a result, the Narcotic Division was formed within that Department which is now the Department of National Health and Welfare.

The administration of the Opium and Narcotic Drug Act involves

- (a) Domestic control of the legitimate narcotic trade in Canada,
- (b) Suppression of the illicit narcotic traffic in co-operation with the Royal Canadian Mounted Police and other Police Forces throughout Canada,
- (c) Liaison and cooperation with other countries which are members of the United Nations in relation to both legitimate and illicit narcotic matters.

The Act becomes relevant to the purpose of this book insofar as item No. (a) is concerned. By domestic control is meant restrictions on the use of narcotic drugs with administrative procedures established whereby narcotic drugs can legally be purchased and used in Canada.

Insofar as the suppression of the illicit traffic is concerned, this is not of direct relevancy and represents but a small part of the whole administrative control that is exercised. It, however, has elements of drama which tend to overshadow in the public mind the sane and common-sense administrative provisions of the Act and its regulations.

It is difficult, however, in a general discussion of the Act to differentiate between the domestic administrative features and many of the enforcement aspects.

This Act is one of the very few which purports to deal wholly with its subject. Care is taken in other legislation, notably the Food and Drugs Act, and the Proprietary or Patent Medicines Act not to deal with any phase of the handling of narcotic drugs, and this is left entirely to the provisions of the Opium and Narcotic Drug Act. In fact, it has been judicially stated that the Opium and Narcotic Drug Act contains the entire Code or procedure for the legal, as well as the illegal use of narcotic drugs.

A narcotic drug is defined broadly as any substance mentioned in the Schedule to the Act, and provision is made for the Governor in Council amending the Schedule as may be required to keep abreast of developments in the narcotic field, and so as to include therein anything which ought to be treated as a narcotic drug. The Schedule accordingly includes not only opium and its derivatives but also the newer synthetic drugs and at the rate the synthetic drugs appear on the market, the Schedule requires amendment at least once or twice a year.

Section 3 of the Act provides the legal means whereby narcotic drugs can be commercially handled through wholesalers and others under a license issued by the Minister of National Health and Welfare and approved by the Governor in Council. Each year an estimate is made of the foreseeable requirements of Canada in terms of narcotic drugs, and arrangements are made for the importation of such quantities. It should be mentioned that Canada is not a manufacturing country and all narcotic supplies are imported.

Broadly, the basis under which narcotic drugs enter Canada is through the purchase under license by wholesalers of supplies. The drugs so admitted are then distributed through retail drug stores and by being available to hospitals, doctors, dentists, and veterinary surgeons. The wholesalers are restricted in their sale of such drugs to these persons, and agencies, as well as to other wholesalers.

The Department of National Health and Welfare maintains an audit staff for the periodic audit and inspection of the books and records of wholesalers who have imported narcotic drugs. Regulations under the Act set forth the type of records that must be kept and the forms that must be used. Every grain of a narcotic drug that has been legally admitted into Canada must be accounted for at all times. The departmental auditors also audit the books and records of hospitals as to their supplies and use of narcotic drugs. Specially trained officers of the Royal Canadian Mounted Police audit the books and records of retail druggists as to their supplies and use of such drugs.

The narcotic drugs at the retail level are handled only by pharmacists who are qualified and registered under the pharmacy act

of the province in which they carry on business. Drugs may only be dispensed by such pharmacists on the written prescription of a physician, dentist, or veterinary surgeon and he is restricted in his use of such drugs to the treatment of medical conditions. Addiction, as such, is not recognized as a medical condition for which narcotic drugs may be prescribed.

Hospitals, physicians, dentists, and veterinary surgeons are permitted to purchase narcotic supplies direct from wholesalers. They, like retail pharmacists, are required to keep records of all such supplies and of all expenditures therefrom. Insofar as doctors, dentists, and veterinary surgeons are concerned, the same detailed records are not required as in the case of other persons who are entitled to have narcotic drugs for distribution. The Act, however, requires professional persons to furnish explanations as may be required by the department respecting supplies of narcotic drugs which have been purchased as well as the distribution of such supplies. A professional man whose purchases appear to be larger than his type of practice, in comparison with that of other practitioners would seem to warrant, is required to furnish an explanation. In this way record is kept of the use of narcotic drugs in legitimate practice.

The above sets forth in general outline the control provisions of the Act which are intended to provide adequate measures to ensure that narcotic drugs are available for legitimate use but not for illicit use. The Act contains stringent enforcement features which are designed to prevent the anti-social or illicit use of such drugs and heavy penalties are imposed for the illegal possession, distribution, importation, transportation, etc., of narcotic drugs.

While the administration of the Opium and Narcotic Drug Act is by statute the responsibility of the Department of National Health and Welfare, it may be important to mention that the enforcement of that statute is, by arrangement with the Royal Canadian Mounted Police, a responsibility of that force. The prosecution of offences under the Act, however, is handled through the Department of National Health and Welfare by legal agents specially appointed by the Department of Justice.

In conclusion of the discussion of the Opium and Narcotic Drug Act, it may be useful to mention that Canada is a party to a number of international agreements or conventions designed to control the use of opium and other narcotic drugs. Canada's international obligations are, therefore, similar to those of the United States, Great Britain, and other countries that have cooperated in legal measures to control and suppress the illicit use of drugs.

The Proprietary or Patent Medicines Act—R.S.C. 1952, c. 220

The Proprietary or Patent Medicines Act was first enacted in 1908 because of the increasing growth in the sale of proprietary or patent medicines to be used for self-administration on self-diagnosis. Unscrupulous and irresponsible manufacturers and vendors exploited human suffering by making claims for all manner of nostrums intended to cure ailments which medical science had been unable to cure. It was considered necessary for the protection of the public to regulate the manufacture and sale of pre-packaged medicines which were so represented and advertised to the public for use on self-

diagnosis. The purpose of the legislation was to protect the public from harm in the use of such preparations through providing that all secret formula non-pharmacopoeial packaged medicines for internal use must be registered, with both the quantitative and qualitative formula being provided, and that such preparations might only be sold under a registration number. There was thus provided some effective control over the kind of ingredients which might be employed as well as over the claims which might be made.

In 1919 the Act was amended to make provision for annual licensing, in addition to registration, and to include external as well as internal medicines, and more restrictive clauses were added to enable better control to be exercised in matters of labelling.

Since the Act was amended in 1919 approximately 17,000 different preparations have been granted registration and at the present time there are approximately 4,000 preparations registered and licensed in Canada under this Act. This is, in short, the legislative history of the Act and its administrative purpose.

In addition to the brief explanation so given, it may be appropriate to discuss the Act both as to its functions and purposes, as well as to its relationship to the Food and Drugs Act. It might be noted that there does not appear to be any counterpart to this legislation in any other country of the Commonwealth.

The Food and Drugs Act does not license the manufacture and sale of drugs in Canada, except in the case of certain biological products which are referred to in Section 6 of that Act and in Schedule "B" to it. The Regulations under the Food and Drugs Act require the disclosure on the label of the active medicinal ingredients of every drug.

The Proprietary or Patent Medicines Act, on the other hand, makes provision for the licensing of proprietary or patent medicines and for their sale to the public under registration numbers but without disclosure of the active medicinal ingredients or the medicinal formula under which they are prepared. This is subject to the qualification that certain drugs which are listed in the Schedule to the Act, if present, must be mentioned on the label along with the maximum dosage thereof.

In addition to the sharp difference between the requirements of the Food and Drugs Act and the Proprietary or Patent Medicine Act in the matter of disclosure of ingredients, and of license, there is a further factor which must be mentioned, because it possibly gives to a registration under the Proprietary or Patent Medicines Act an economic advantage under certain circumstances.

As will be seen in the various provincial pharmacy acts which are summarized in Part VI, drugs, with certain exceptions, can be sold only in drug stores. One of the exceptions, however, are proprietary or patent medicines registered under the Proprietary or Patent Medicines Act. Such preparations are therefore available for sale in other than retail drug stores. In addition to being available in drug stores they are sold in chain notion stores and general stores. Rural general stores ordinarily carry a wide line of proprietary preparations. These preparations are, therefore, not subject to the usual restrictions as in the case of drugs in general under pharmacy legislation, but are freely sold for non-medical administration upon self-diagnosis.

The Act, as will be seen, imposes limits on the kinds of remedies or preparations which are eligible for registration. Preparations which are mentioned in any of the Pharmacopoeias as well as other specified medical works, and any preparation which is sold under the provisions of the Food and Drugs Act, with disclosure of ingredients, cannot be so registered.

The Act requires the registration of every such preparation and an annual license for its sale. The application to register is required to disclose the qualitative as well as the quantitative formula of the preparation, together with the therapeutic claims which are intended to be made for it. The form of the package in which it will be sold, the label and any advertising material intended to accompany the preparation or to be used in connection with it, must be submitted to the Department as a condition of granting registration and of the annual license.

The formula as well as the claims are referred to a special medical advisory board for opinion as to whether the preparation has therapeutic value for the purpose for which it is represented. If it has, and if the claims which are made for it are considered to be appropriate and proper, then registration is granted and a license is issued. An Advisory Board is established under the Act to give special consideration to what are ordinarily regarded as potent drugs and for which it is considered that special controls are necessary in connection with proprietary or patent preparations. This Board is therefore concerned with the maintenance of the Schedule to the Act and lays down the maximum as well as, in certain cases, minimum daily dosages for the drugs which are listed in the Schedule which is kept abreast of the times. The Schedule also corresponds to Appendix II to the Regulations under the Food and Drugs Act.

The license to sell a proprietary or patent medicine is renewable annually for a small fee. Any change which is made in the formula for the preparation or in its title must first be submitted to the Department for approval and a new registration obtained.

It will be observed that amongst the matters prohibited by Section 8 of the Act is any representation of an article as a 'Cure' as well as false, misleading or exaggerated claims made on the wrapper or label or in an advertisement.

While the Act does not specifically contain a provision comparable to that of Section 7 of the Food and Drugs Act, any preparation which is represented for the treatment of any of the diseases listed in Schedule A to the Food and Drugs Act is considered to violate Section 8, and registration of such preparation would accordingly be refused. There is thus a direct relationship between the two statutes in the matter of advertising. Because of the licensing requirements of the Proprietary or Patent Medicines Act, a somewhat more direct control can be applied under that Act than under the Food and Drugs Act.

It will be seen that there are certain economic advantages to registration under the Proprietary or Patent Medicines Act, depending upon the type of preparation which may be marketed. There are at the same time, very practical and real controls over the sale of such preparations and this is particularly so with respect to advertising and other forms of claims made for their value.

The public is therefore adequately protected both against preparations which have no therapeutic merit as well as against extravagant and exaggerated claims for the value of preparations which have some merit and which are permitted registration under the Act.

The Pest Control Products Act—R.S.C. 1952, c. 209

The Pest Control Products Act as its title would indicate is a form of legislation applying to chemical and certain drugs used to control pests.

Inasmuch as the definition of drugs in the Food and Drugs Act includes "any material that may be used for disinfection in premises in which food is manufactured, prepared or kept, or for the control of vermin in such premises", there may be a slight degree of duplication or overlapping between the subject matter of the statutes. In this connection specific regulations have been made under the Food and Drugs Act with respect to disinfectants.

The structure of the Pest Control Products Act indicates that it is intended to regulate drugs and chemicals used for the control of internal parasites in animals and poultry, in addition to the control of the more common pesticides such as insecticides, fungicides, herbicides and rodent killers.

Examples of vermicides which are covered by the Act are phenothiazine and sodium fluoride. The Act also applies to sulpha drugs, and nitrophenide when used in the control of coccidiosis in chickens.

Control is exercised by registration and inspection. It will be observed that under certain conditions some pesticide materials are exempted from the Act as set forth in Section 10.

The Act makes provisions for regulations and these essentially have to do with particulars relating to brand names, guarantees, labelling, packaging, etc.

The regulations under the Act at the time of writing are being revised and are not available for comment. It is proposed that copies of the regulations will, if available, be reproduced in Part V along with the text of the Act itself.

FOOD LEGISLATION

Grade Standards

A feature which distinguishes food legislation in Canada from that in many other countries, is the requirement that is contained in a number of statutes of what may be called grade marking. Sometimes one hears the phrase 'Grade Standards', 'Grade Designations', 'Standards' or 'Grade Marks' used with reference to a particular food product and intended to indicate some special level of quality that has been assigned to it or which the product is represented to meet.

Because of the widespread use in Canada of the practice of grade marking, and its employment in connection with practically all food products that are subject to federal legislation, as well as to many products that are subject to provincial legislation, it may be useful, before discussing the related federal food statutes which have been enumerated, to provide some explanation of grade marking and of the various grade designations or insignia that are employed to describe grades.

While the terms grade standards and grading and other such expressions are not normally intended to relate to different meanings, there is nevertheless a distinction between standardization of a food and the grading of that food. The one is the rule or criteria in accordance with which a food is graded and the other is the grade that is given a food in accordance with such rule or criteria. It is the standard therefore which makes grading possible.

Unfortunately, there is no uniformity of nomenclature in the use of grade markings and each federal act that involves any feature of inspection or grading will use language descriptive of grade markings or designations that are peculiar to the subject matter of the Act.

However grade marking may be described, the practice is intended to establish a standard for the product that is, of course, higher than that of mere edibility. Originally, grade standards were developed in Canada in connection with the desire to establish an export position for Canada's goods abroad. Standards were accordingly developed that would ensure uniformity as regards the various factors that one might expect to find in food products. In the course of time such standards assumed a domestic significance as well as an export value and today practically all foods in Canada are required to meet some form or other of standard which gives to the consumer an assurance of some degree of uniformity in the qualities or attributes which characterizes particular foods. Differences in grade standards are ordinarily reflected in differences of price.

A higher grade standard is not synonymous with higher nutritional quality. It may, and usually does have regard to appearance, to the fat texture or streaking in the case of certain meats, to clarity and consistency in the case of honey and maple syrup, to size in the case of eggs, etc. If the consumer knows the meaning of various grade markings and the terms that are employed in connection therewith from the inspection and grading point of view, she is thus given the advantage which the legislation intends her to have in determining the grade that best suits her taste and pocketbook, and without any fear of loss of nutritional quality. This becomes of prime importance in the case of many foods which are purchased in closed packages or containers and cannot be examined by the purchaser prior to sale. Even in the case of many foods such as fresh fruits, vegetables and meats, that can be examined prior to sale, there are nevertheless many factors inherent in grade standards other than that of appearance only and which the consumer would not normally be able to detect. Thus in the case of processed foods which come in containers as well as in the case of fresh foods, which permit of a degree of visual inspection, the consumer is benefited by the assurance of grade uniformity in accordance with the markings which the legislation respectively requires.

While it is not essential to elaborate on the value of grade marking as an economic practice, it might be mentioned that this has some value to the wholesaler, retailer or food distributor. It avoids what at one time was a common practice, namely, the selling by sample with the consequent necessity of explanation of various quality factors. The various grade markings have become so well known and established in Canada that in few instances is it necessary for a retailer to explain differences in grades to a customer. There are additional

economic factors involved in the practice which do not come directly within this discussion such as savings in inventory, transportation costs, etc.

Grade markings for products such as fresh meat, fresh fruits and vegetables are as a rule taken for granted and accepted at all levels of commerce. In the case, however, of grade markings for processed products such as canned fruits and vegetables, there are sometimes heard arguments for and against the practice. Because grade markings such as are required in Canada are not required under United States legislation it may be useful to discuss briefly the arguments which are sometimes raised in the case of processed fruits and vegetables.

These arguments which may also have some relevancy to grade markings in connection with other commodities are chiefly used in discussing the Processed Fruits and Vegetables Regulations made under the Meat and Canned Foods Act.

The chief argument against grade designations is that minimum requirements to establish a grade tend to influence the packer in down-grading to such requirements. In other words there is no incentive to a packer to pack better than the grade requires because he cannot use any grade marking on the label to describe his product to indicate that he has packed better than the minimum of the grade.

From time to time suggestions have been made that within grade designations there ought to be phrases permitted which would indicate better than minimum grades. For example in the case of a product which is graded as 'Standard' it should be permitted to describe it as 'Extra Standard' if it meets higher than the minimum. These suggestions, however, have not, up to the present time been acted upon and therefore need no further discussion.

There are many other arguments which can be used against the practice of grade markings but the above substantially covers the most frequently heard of these arguments.

As against the argument that grade standards tend to down-grade a product, it is argued that the opposite results can and should follow. It is argued that the grade designation which is used, whatever it may be, is an assurance to the customer or consumer that minimum factors of quality have been met and that the product will be uniform as regards these factors. Over and above these conditions there is no restriction against a packer from seeking consumer preference on the basis of packing a superior product of a particular grade and charging in accordance for the improved quality that it contains. This is well illustrated in the case of many nationally advertised brands which have a high consumer preference and which can be expected to be better than the minimum of whatever grade is declared therefor. For example, a particular packer may pack better than standard quality but although he is not permitted to describe his product as better than standard quality, he nevertheless is able to attract consumer preference, firstly by his reputation as a packer and secondly by the unvarying good quality of the product that he packs. With, of course, a high degree of consumer preference being obtained it may become possible to price the product competitively with less known brands which are not of the same quality even though graded as of the same grade.

The packer who packs better than the grade requirements may charge more for his product or depending upon volume and other factors it may be possible for it to be strictly competitive with a poorer product. In either case, the consumer has a choice with a legislative guarantee that whatever may be the grade, at least the product will meet the minimum requirements of that grade and this irrespective of seasonal or local variations affecting the quality of a particular crop.

A little experience and knowledge enables the consumer to decide not only which are the best brands for particular purposes, but which are suitable and satisfactory grade standards for her purposes.

The above is perhaps sufficient on the question of the practice of grade markings or standards under the various federal statutes which contain provisions in that connection, as well as of the general arguments which might become relevant either for or against the practice of grade marking. It may now be appropriate to indicate what are the more important of the grade designations that are employed under the various federal enactments that make provision in that respect.

Meat and Canned Foods Act

Regulations under this Act respectively deal with Processed Fruits and Vegetables, Meat and Horsemeat, Canned Fish and Shell Fish.

Processed Fruits and Vegetables are respectively graded as, FANCY, CHOICE and STANDARD quality. More will be said with respect to these grades in discussing in further detail the regulations under the Meat and Canned Foods Act, as they pertain to Processed Fruits and Vegetables.

Meat is not graded under this Act, but is required to be inspected and to be stamped "CANADA APPROVED".

Canned fish is graded, FANCY and STANDARD.

Canada Dairy Products Act

Of the grade designations under this Act, butter is possibly of chief concern, and provision is made for butter being graded "Canada First" and "Canada Second".

Fish Inspection Act

Under this Act, various grade designations are provided depending upon the fish in question. For example, pickled herring is graded, Grade "A", and Grade "B", with each grade being subdivided into three further classifications.

Under Class "A", the designations are, fat herring, fat tropic herring and No. 4 fat herring. Under Class "B" the designations are bright herring, tropic herring and No. 4 tropic herring.

Fruit, Vegetables and Honey Act

The grade designation for fruit under this Act varies according to the kind of fruit. Apples, pears for box packs are Extra Fancy, Fancy and "C" grades. Pears packed in other than the standard pear box are graded No. 1 or Domestic. The grades for crabapples are Fancy and "C". For other fruits, the grade designations vary according to kind, i.e. (Select, No. 1 or No. 2). Grade designations for vegetables, Canada No. 1 or Canada No. 2.

Honey is graded 1, 2, and 3. (See also the discussions respecting honey later in this chapter.)

Live Stock and Live Stock Products

While meat is not graded under The Meat and Canned Foods Act, but is inspected under that Act, it is graded according to regulations under the Live Stock and Live Stock Products Act. The regulations respecting the various grades for meats and the conditions therefor, are set out in Part V.

Beef, for example, is graded "A", "B", and "C". "A" is choice quality, and is marked "Red Brand". "B" is good quality, and is marked "Blue Brand". "C" is commercial grade. There are three lower grades available where required.

Poultry under the regulations is graded, Grade Special, Grade "A" and Grade "B" and Grade "C".

Eggs are graded "A" large, medium and small; "B" large, medium and small, and Pullets.

In addition to the designated grades, there is generally provision for commodities being sold as sub-standards, if such commodities are sound and are wholesome and are fit for use as food, but merely fail to meet a particular grade designation, because of some defect or other, in the size, appearance, etc., of the article.

With the explanation that has been given, it is hoped that grade designations will be easier to understand in relation to the various statutes which make provision therefor.

Discussion of Statutes

It now becomes appropriate to discuss the various federal statutes, other than the Food and Drugs Act, which are concerned with the subject of food. The Food and Drugs Act, as constituting the basic food and drug law, is exhaustively discussed in Part II, and in much more detail than is possible or necessary for the related federal food statutes.

The food statutes have been listed in alphabetical order and for the purpose of discussion in this chapter, they will be dealt with in that order and not in what might be considered their order of importance in terms of the purpose of this book. In this sense, the Meat and Canned Foods Act would undoubtedly take first position after, of course, the Food and Drugs Act. This is because it also is concerned with matters of labelling, packing, standards of quality and other things which would make it appropriate to consider the Meat and Canned Foods Act in some respects as companion legislation to the Food and Drugs Act. Next in order of importance would likely be considered The Live Stock and Live Stock Products Act, the Canada Dairy Products Act, the Fruit, Vegetables and Honey Act, the Fish legislation and so on.

Because the foregoing assessment of importance is perhaps purely arbitrary and open to correction from any particular point of interest, the statutes are dealt with in alphabetical order.

The Agricultural Products Marketing Act—R.S.C. 1952, c. 6

The Agricultural Products Marketing Act is the first federal food statute which requires discussion in this chapter.

In connection with the subject of Marketing Legislation, in Chapter 4, the purpose of this Act is explained in the discussion of the relevant provincial legislation on the subject of natural or agricultural products marketing.

The reader is accordingly referred to the discussion under that heading in Chapter 4 and it is sufficient in this chapter to include the statute in order that its existence as a federal statute may be noted, along with other federal legislation.

For the text of the Act see Part VI under the heading "Marketing Legislation".

The Canada Dairy Products Act—R.S.C. 1952, c. 22, c. 305

The subject of dairy legislation at the federal level is of long standing in Canada. The first statute respecting a dairy product, namely, butter, was enacted in 1874 as Chapter 45 of the statutes of that year and was entitled:

"AN ACT to make better provision extending to the whole Dominion of Canada respecting the Inspection of certain Staple Articles of Canadian produce."

Amongst the subject matter of this legislation was included flour and meal, wheat and other grains, beef and pork and butter.

Special provision was made in the legislation for the inspection of butter, the manner in which it should be packed, the weights to be marked on the containers and that it should be graded for quality under grade designations which were respectively: first, second, third, fourth or grease. The subject of butter continued to be dealt with in the general Inspection Act which, in 1906 in the revised statutes of Canada of that year, was entitled "The Inspection and Sale Act". Part VIII dealt with dairy products and butter and cheese were the two dairy products that were named. The legislation contained provisions respecting the marking of dairy products for export and covering milk supplied to factories for manufacture of dairy products. In 1914 the Dairy Industry Act was passed which repealed Part VIII of the Inspection and Sale Act. This legislation defined dairy products to include milk, cream, condensed milk, milk powder, butter and cheese and articles manufactured from milk and imitations thereof. Section 5(a) prohibited the importation and sale of substitutes for dairy products and it was this section which was the subject of the opinion of the Judicial Committee of the Privy Council in the *Margarine Reference* case which is reproduced at the end of Chapter 2. The Act made further provision respecting butter, the inspection thereof, the weight of containers, etc. It also dealt with cheese by requiring skim milk cheese to be properly labelled and prohibited the adulteration of cheese by mixing with it an inferior curd or cheese.

In 1921 there was enacted the Dairy Produce Act as Chapter 28 of the statutes of that year. This legislation provided for the grading of dairy products and in the consolidation of the federal statutes in 1927 this statute was included with the Dairy Industry Act as Part II.

In 1949, due to a strong demand to legalize the sale of margarine in Canada, the validity of the prohibition as contained in section 5(a) of the Dairy Industry Act was referred to the Supreme Court of Canada for an opinion. The result of this reference has been fully discussed in Chapter 2 and the decision which was handed down by

the Privy Council necessitated a complete re-examination of the Act. As a result, it was considered desirable to enact new legislation which would either overcome or avoid the constitutional difficulties and pitfalls which had been encountered by that Act.

Accordingly, in 1951, there was enacted as Chapter 39 of the statutes of that year,

"AN ACT to establish national standards for dairy products and to regulate interprovincial and international trade in dairy products."

This Act by its short title is referred to as the "Canada Dairy Products Act" which by Section 14 provided for its coming into force on proclamation.

On July 15, 1952, this Act was brought into force by Proclamation of the Governor in Council and at the same time regulations under the Act were made by Order in Council P.C. 3461 of July 15, 1952, to provide standards for butter, ice cream and cheese.

It will be observed in Section 13 of the Act that Parts I and II of the Dairy Industry Act which it replaced are repealed. Part III of the Dairy Industry Act dealing with the testing of glassware used in connection with milk tests is, by Section 13 of the Dairy Products Act, re-enacted with some renumbering of sections under the name of "The Milk Test Act". Because of the limited interest of the Milk Test Act in connection with the purpose of this book, it is not reproduced with the federal statutes in Part V.

Prior to the Dairy Products Act being brought into force, there was introduced in the Senate in 1952, a Bill to repeal Section 6 thereof. This bill was passed as c. 16, S.C. 1952 and is now c. 305, R.R.C. 1952. This section, as it was originally contained in the Dairy Products Act, gave to the Governor in Council, authority to prohibit or otherwise deal with the interprovincial movement of dairy substitutes.

Arguments were advanced in support of the Bill to repeal Section 6, that the section violated the principle of free interprovincial trade as guaranteed by the British North America Act. It was also pointed out in support of the measure that the operation of the Dairy Products Act ought to be confined to dairy products and not to purport to deal with matters which were outside of the definition of a dairy product.

It was pointed out that in providing authority to deal with dairy products there was impliedly given sufficient authority to restrict dairy substitutes if they violated the requirements of that Act.

It was moreover pointed out that a product which might be used in place of a dairy product, and therefore deemed to be a dairy substitute, but which did not conflict with any of the requirements for dairy products, should be dealt with by provincial law and subject to whatever special conditions of sale might be imposed by a province.

In this connection the discussion on margarine as it is set forth in Chapter 4 is of interest. It will be seen that the provinces have respectively enacted legislation dealing with the sale of margarine either by prohibiting its sale in a province, or by imposing special conditions on packaging, labelling and the use of colour.

The text of the Dairy Products Acts, as it was amended by repealing Section 6, is set forth in Part V. There is also set forth the text of the Proclamation of July 15th bringing this Act into force, together with the text of the Regulations of that date.

The important and perhaps the essential features of the Act are contained in Section 3.

This section in brief authorizes the Governor in Council to make regulations establishing grades with appropriate grade names for any class of dairy product and to prescribe conditions respecting the grading of dairy products together with the size dimensions and other specifications of packages in which dairy products must be packed.

It is also provided that no person shall sell, offer for sale, or have in possession for sale, a dairy product under the name of a grade so established, or under a grade or other designation resembling a grade designation so established, or apply to a dairy product a grade name or a grade name resembling a grade name so established unless the product conforms to the standard so prescribed and in all respects meets the requirements of the Act as regards inspection, grading, packaging and marketing.

This authority is set forth in Part I. Part II which as amended consists of only two sections deals with the international and inter-provincial movement of dairy products. Part III provides for administration and enforcement.

The importance of the authority that is given in Part I merits some detailed discussion.

As has already been pointed out, a federal statute which relies on "The Regulation of Trade and Commerce" as its constitutional basis must be limited to export trade including, of course, interprovincial trade. In other words, legislation which is concerned with the domestic or intraprovincial manufacture and consumption of products cannot be supported as legislation for the Regulation of Trade and Commerce.

It is in this connection that the provisions of Part I of the Act become of importance. In providing authority to establish grade names for dairy products, including the terms and conditions under which such grade names may be used, there are so established what may be conveniently described as national grade or trade-marks. In providing that such a trade-mark can only be used if the requirements of the legislation are met, the result may well be indirectly to bring about observance of the requirements of the Act for dairy products, whether they move in interprovincial or in intraprovincial commerce. In other words, the establishment of national grades with appropriate grade names are likely to become so well known as to reduce, if not eliminate entirely from the market, the production of dairy products which do not use such names and meet the requirements so established.

Using creamery butter by way of illustration, it will be seen that Part I of the Regulations prescribes four grades, with the grade names of "Canada First Grade", "Canada Second Grade", "Canada Third Grade" and "Below Canada Third Grade". The requirements for these grades and the use of these grade designations for creamery butter are set forth.

All creamery butter which is intended for export, including inter-provincial trade, must of course, be graded in accordance with the Regulations and bear the appropriate grade designations as provided therein. While a large proportion of the creamery butter manu-

factured in Canada would come within the requirements of the Act as being intended for export or interprovincial trade, the effect of the establishment of such grade designations is likely to bring about the use thereof in connection with the production of the bulk of all creamery butter in Canada. From a practical point of view, it may be anticipated that there will be little creamery butter produced in Canada for local sale which the producer will not voluntarily bring into conformity with these Regulations in order to obtain the advantage of the use of the national grade name or designation. There is nothing in the Act which requires a producer to do so, or to prevent him from producing creamery butter for local sale under any grade name or designation which he chooses, so long, of course, as it does not resemble or be confused with a grade name established under the Act.

Creamery butter so produced, of course, would nevertheless require to meet whatever provincial laws were in force with respect to it and would require to meet the standards which are established under the Food and Drugs Act. These, however, relate to the presence of designated ingredients and not to grades with appropriate grade names.

As the standards for creamery butter so established by the Dairy Products Regulations are designed to conform to good and well-established practices, the production of butter marketed other than as one of the designated grades would immediately give rise to the question of why it was so marketed and not described as "Canada First", "Second" or as the case might be. The assumption, therefore, may properly be made that the establishment of national grades with appropriate grade name designations for creamery butter will be applied to practically all of the creamery butter which will be produced in Canada and thus such butter will be brought into conformity with the requirements of the federal Act irrespective of whether it is intended for export, interprovincial or intraprovincial trade. The combination, therefore, of the obligation to meet the requirements of the Act for butter in interprovincial commerce, together with the incentive to subscribe voluntarily to the requirements of the Act in the case of butter intended for intraprovincial commerce may for practical purposes remove the distinction between the two classes of commerce.

Whether the authority to restrict the use of national grades and grade names by imposing conditions thereon may be attacked on constitutional grounds, remains to be seen. In this connection, however, the decision of the Privy Council in the Dominion Trade and Industry Act case, which was discussed in Chapter 2, would seem very much in point. In that case the authority of Parliament to define a national trade-mark and to impose the conditions under which such a mark could be used was upheld. There would accordingly be little point in discussing what constitutional issues could or might be raised for or against the conditions which are set forth in the Dairy Products Act on the use of the national grades and grade names as they are thereby authorized to be established. It is sufficient to say that if the validity of this legislation is well founded, then it may provide a method whereby certain of the constitutional difficulties which have developed in the case of legislation dealing with products moving partly in intraprovincial and partly in interprovincial commerce can be overcome, or at least avoided.

As neither the Act nor the Regulations have been in force for a sufficient length of time to enable detailed comments to be made, the above observations may be sufficient to indicate the special points of interest which the legislation offers. The comments should, in any event, enable the reader to reach a proper understanding of the scope and extent of the legislation and what may be effected by its operation.

Legislation Respecting Fish and Fisheries

In order to gain a clear picture of the division of legislative and administrative authority in Canada as between the federal government and the provincial governments with respect to fish and fisheries, it is necessary to have regard to the constitutional authority on which the subject rests.

In Chapter 2, Sections 91 and 92 of the B.N.A. Act which were reproduced, respectively show as item 12 of Section 91, the subject of "Sea Coast and Inland Fisheries" and as item 13 of Section 92, "Property and Civil Rights in the Provinces".

The federal government, therefore under this authority and by virtue of its jurisdiction over the Regulation of Trade and Commerce, has legislative authority with respect to all fisheries in Canada, whether sea coast or inland, and of the movement of fish inter-provincially and out of Canada.

The provinces by virtue of their authority to make laws in Relation to Property and Civil Rights, may also legislate with respect to the subject of fisheries in the sense that fish, after being caught, become property, and therefore subject to provincial legislation.

Apart from the interprovincial movement of fish and fish products, the federal legislation is essentially concerned with conservation and with matters pertaining to the stimulation of fish production, its encouragement and other matters which do not directly relate to the processing, packing or otherwise handling of fish products.

At the federal level there have been enacted a number of statutes, a list of which is set forth earlier in this chapter in connection with the responsibilities and duties of the Department of Fisheries in relation to food. Amongst these statutes is the Fisheries Act, under the authority of which special regulations are federally made for each of the provinces by the Governor in Council. These regulations have regard to the nature of the problem in the provinces, that is, the type of fishing that is possible therein, matters of conservation, the designation of seasons, size of catch and other things which are related to the subject of conservation and production.

Matters pertaining to fishing rights, such as might exist on waters wholly within the ownership of an individual or a group of individuals, are not dealt with in this discussion.

The regulations which the Government of Canada have made, and which are respectively applicable in the various provinces, for which they are made, are enforced in inland waters by provincial officers and at the sea coasts by federal officers. This is not necessarily an exact division, but is generally descriptive of the manner in which the administrative responsibilities are performed.

In addition to the federal statutes, and the special regulations, each of the provinces has also enacted legislation with respect to the subject of fish and fisheries. This legislation deals with the subject

from a somewhat different position than does the federal legislation and is concerned with it as property. Provincial legislation also deals with leasing, transfer, disposal of or succession to proprietary rights in fisheries, and the administration of private fisheries which are, as a matter of property, vested in the Crown in the right of the province. It follows, of course, that the Parliament of Canada may also legislate similarly with reference to public fisheries that are vested in the Crown in the right of Canada.

These two aspects, however important as they are, are not of further relevancy for the purpose of the discussion.

Insofar as fish once caught, become property, they are properly within the legislative competence of the province as such. The provincial legislation is generally concerned with matters of inspection, licensing of plants for processing, processing and packing of fish, and other things involved in the subject when intended for movement wholly within the province.

These provincial statutes are the subject of further comment in Chapter 4 under the heading, Fish Grading and Inspection Legislation.

Amongst the various statutes at the federal level which are relevant to the subject of food, the Fish Inspection Act, in addition to the regulations, under the Meat and Canned Foods Act, becomes of chief importance.

The Fish Inspection Act, 1914, is applicable to the inspection of fish other than canned fish, and is the statute in force at the time of writing, being Chapter 72 of the Revised Statutes of Canada, 1927, as amended (R.S.C. 1952, c. 118). This statute deals broadly with fish inspection and is not limited to matters of export or interprovincial trade.

In 1949 there was passed an Act entitled "The Fish Inspection Act, 1949" which was intended to replace the above-mentioned statute. This latter Act has not yet been brought into force by proclamation. When it is brought into force, it will be used to regulate inspection of fish for export and interprovincial trade. The delay in bringing it into force has been pending suitable arrangements being completed by the respective provinces for complementary or concurrent legislation to take care of the inspection of fish products which are produced and sold within the province.

The regulations under the Fish Inspection Act, 1914, which is in force deals with the construction of containers, the curing and packing of fish and inspection. These regulations are, therefore, concerned with cured, salted or otherwise treated fish, not packed in cans, which would come under the Meat and Canned Foods Act.

The legislation also deals with oysters, both in the shell and shucked, along with other kinds of shell fish, such as scallops, etc. Grade designations are established for oysters, and these are in accordance with size dimension, as well as quality. The grades are respectively, Fancy, Choice, Standard and Substandard shapes.

The regulations which are in force under the Fish Inspection Act, 1914, were revised at the time the new Act was passed. When the present Act is replaced by the 1949 Act, such regulations which are appropriate to cover the matters with which the new legislation will deal, will likely be continued substantially in their present form.

Fruit, Vegetables and Honey Act—R.S.C. 1952, c. 126

From an historical point of view, the first legislation in Canada relating to fruits was contained in regulations passed in 1892, which established grades for apples intended for export.

In 1901 there was enacted The Fruit Marks Act, which made it compulsory for all such fruit, namely, apples, packed in closed packages intended for sale, to be marked with the name and address of the packer, with the variety of the fruit and the designation of the grade.

This Act was passed primarily for the purpose of improving the packing and grading of apples for export. During the first two or three years following this enactment, the efforts made towards its administration were largely educational. Inspectors were placed at the principal export points in Canada and close contact was established between the leading growers, dealers, and exporters in order that the meaning and intent of the legislation might be better understood and its purpose, therefore, more efficiently accomplished.

In the Revised Statutes of Canada in 1906, this Act, together with other Acts referring to fruits and fruit packages, was codified under the name of The Inspection and Sale Act. This Act continued to deal with the marking of fruit and fruit packages. It, however, made specific provision for fruits other than apples, as, for example, pears, berries.

Offences were established respecting false branding, false marking and false packing.

In 1912, regulations were added respecting the importation of certain fruits. In 1922 there was enacted, The Root Vegetables Act, and in that year, general regulations regarding the export of fruit from Canada were established.

Amendments were made from time to time respecting grades for apples and other sorts of fruit based on the development of the fruit industry, the progress made by the grower in perfecting varieties of fruit, and other matters considered desirable from the point of view of an export position.

In 1934 the Fruit Act as it was then known, was amended and provision was made to include honey, and the legislation was changed to The Fruit and Honey Act. In 1935, the Fruit and Honey Act, and The Root Vegetables Act were respectively repealed, and there was substituted therefor, the above statute under the title of The Fruit, Vegetables and Honey Act.

At the same time regulations were established thereunder, and these regulations form the basis of the substantive provisions of the law.

It might be useful to note that the new legislation was framed in accordance with recommendations of the industry concerned, and with due regard to developments that had taken place in Canada during the preceding quarter of a century in fruit cultivation and growing.

The Act which is comparatively short, will be seen to be essentially a grading and marketing act. Where the Meat and Canned Foods Act deals with processed fruits and vegetables, and establishes

grade standards and size of containers, the Fruit, Vegetables and Honey Act deals with unprocessed fruits and vegetables, as well as with honey.

Honey being a processed commodity, might equally have been included in the subject of the Meat and Canned Foods Act instead of being added to the subject of the Fruit Act in 1934. The important features of the Act and the regulations thereunder, are, of course, the establishment of grade standards for fruits and vegetables, the size of containers, as well as the marks and information which must be shown on containers.

With the reproduction of the regulations in full, it is not necessary that these regulations, important as they are, should require the same amount of explanation and discussion as do those which relate to the canning of fruit and vegetables. The regulations, therefore, should be consulted for more detailed information respecting any particular fruit or vegetable or other requirement.

Export and Import

Permits for the export and import of certain products may be required for purposes of trading therein, and it is essential that anyone concerned with either exportation or importation of fruits or vegetables should ascertain with respect thereto, whether or not such a permit is required.

Honey

Some special mention might be made of the portion of the regulations which deal with honey as this is a commodity which apart from certain regulations under the Food and Drugs Act, is not otherwise dealt with in federal legislation.

The regulations which have been made respecting honey under The Fruit, Vegetables and Honey Act, distinguishes between honey for shipment out of Canada and honey for domestic sale. Classifications and grade standards are established for each group, namely, 1, 2, and 3, with specifications for each. Grade markings are required which must include the words "Canada" or "Canadian", together with the word "Honey".

The class of grade, the name and address of the packer, or the first dealer together with a statement of the net weight must be shown on the wrapper. Other legend information is prescribed, as, for example, whether the honey is liquid, pasteurized or otherwise treated. Special provision is made for the texture of granulated honey.

It will be observed in looking at the various statutes in Part IV, that in 1936, Part II of the Food and Drugs Act, as it then stood, dealing with honey was dropped, and that commodity is now dealt with under the Food and Drugs Act only by regulation.

This briefly summarizes the development of the Fruit, Vegetables and Honey Act and the purposes of the present legislation.

Live Stock and Live Stock Products Act—R.S.C. 1952, c. 167

The Live Stock and Live Stock Products Act, has a special importance and significance in that it represents pioneer legislation in advancing the use of official national standards for meat animals or carcasses.

The first Live Stock and Live Stock Products Act was enacted in 1917 and followed recommendations made at various levels and from various groups as to the importance of stock raising as an agricultural industry in Canada and the necessity for more adequate measures which would benefit the consumer and producer.

It was recognized that the general adoption in Canada of diversified farming was becoming more and more essential to the establishment of agriculture on a permanent and successful basis.

As an adjunct to successful diversified farming, stock raising was regarded as essential, and in order to place it as an industry on a permanent basis it was recognized that conditions for the marketing of live stock must be such as to establish confidence in the producer that he would continue to receive a fair and just recompense for his efforts, and in the consumer that factors of nutrition, quality, grade and other matters were assured through appropriate legislation.

Included in the matters which were regarded as essential, were better supervision of stock yards, the licensing and bonding of commission men and dealers, the accurate weighing of stock at the stock yards and the development of appropriate type of animals, as, for example, hogs, in order to furnish the kind of product for which there was a demand. The development of carcass grades for beef cattle, lamb, mutton and veal, were amongst the many matters in respect of which it was decided that appropriate legislation of the kind that is contained in the Live Stock and Live Stock Products Act was necessary.

The original Act as it had been passed in 1917 was amended in 1919, 1923, and 1927. In 1939, it was completely rewritten and re-enacted.

It is, perhaps, not necessary in connection with the legislation itself to discuss some of the benefits that have been attributable to it in terms of live-stock production. It may, however, be appropriate to make certain observations in this connection.

Using hogs for purposes of illustration, the official live grading of hogs which was commenced in 1922, along with other improvement policies, completely changed the hog type in Canada, and standardized it from coast to coast as the bacon hog most suitable for export and for domestic trade.

Using beef for purposes of further illustration, beef branding was originally adopted as a policy for consumer information. There were used only two top grades which resulted in a demand for branded beef to a point where the supply of such beef is not sufficient to meet the demand. The reliance on branded beef has reached a point where it is customary for hotels and restaurants to state on the menu, the brand of beef that is served, and thus there is given to the consumer, an unvarying assurance of eating quality.

The above are amongst certain of the factors which have developed through the policies of the government in the Live Stock and Live Stock Products Act, and it may now be appropriate to discuss briefly, the Act itself.

The Act can be considered under three separate headings, and an examination of it will reveal that it is divided into three parts. The first part deals with stock yards, the second with grading, and the third with poultry improvement.

It follows, of course, from the above, that the subject matter of this legislation is less directly concerned with the subject of this book than is the case of certain other federal statutes. The legislation, however, is of great importance in terms of Canada's export position, and it is therefore considered essential that it be reproduced in full, together with the text of the regulations which have been made under it. The subject, moreover, is discussed in some detail in connection with related provincial laws in Chapter 4.

The portion of the legislation which deals with stock yards is concerned with the business operation thereof.

It makes provision for cattle buyers, traders, the bonding of appropriate personnel and other matters necessary in the management and administration of that branch of the operation. It is, however, under the second branch of the subject which deals with inspection and grading, and related matters for various live stock products that the bulk of the regulations have been made.

In addition to the text of the Act which is set forth in Part V, there is published therewith, the text of the various regulations which have been made under it.

There will therefore be mentioned at this point only the titles to those regulations which themselves are sufficiently descriptive of their subject matter.

For further information on any particular phase of inspection or grading, or the explanation of a grade designation, the reader is referred to the appropriate regulations in question.

The following are the regulations that have been made under the provisions of the Act respecting:

<i>Bacon</i>	The Grading and Export of Bacon
<i>Beef</i>	The Grading and Branding of Beef
<i>Dairy Cattle</i>	The Export of Dairy Cattle
<i>Eggs</i>	The Grading, Packing and Marking of Eggs
<i>Frozen Egg</i>	The Grading, Marking, Inspection and Shipment of Frozen Egg
<i>Hogs</i>	Hog Carcasses Grading
<i>Lamb and Mutton</i> ...	The Grading of Lamb and Mutton Carcasses
<i>Canned Poultry</i>	The Packing, Grading and Marking of Canned Poultry
<i>Dressed Poultry</i>	The Grading and Marking of Dressed and Eviscerated Poultry
<i>Veal</i>	The Grading of Veal Carcasses
<i>Stockyards</i>	Regulations respecting Stockyards
<i>Wool</i>	The Grading of Canadian Unwashed Fleece Wool. (Not reproduced in Part V)

Live stock which is slaughtered in inspected plants is, of course, eligible for inspection and grading. No grade name or description as established under this Act may be used in connection with live-stock products not graded in an inspected establishment and in accordance with the grade so established under the Act.

For example, beef may not be sold as Grade "A" or Red Brand unless it has been slaughtered in an inspected establishment, and so graded and stamped with the government grade.

The third part of the legislation deals with Poultry and gives to the Department of Agriculture jurisdiction over chick hatcheries.

Provision is made for the registration of grading stations for poultry and eggs. It is only at such a station that the government grades may be employed, and then only if the products meet the requirements thereof. Grading is not performed by government graders, but is carried out by the owner of the station with his grading being subject to checking by government inspectors.

Government inspection is also carried out in the case of carlot shipments of eggs when requested, and a certificate is issued. In the case of poultry, moving interprovincially, an inspection and a certificate are necessary in shipments of 10,000 lbs. or more.

The Maple Products Industry Act—R.S.C. 1952, c. 172

The maple sugar industry is one of the oldest agricultural industries in Canada. In fact, the art of producing maple syrup was learned by the early French missionaries and settlers from the Indians, who had at some stage in history, discovered the value of the sap of the maple tree as a food as well as a confection. The production of maple products in Canada is largely confined to the provinces of Quebec and Ontario, with approximately 81% of the total crop being produced in the province of Quebec, some 17% in the province of Ontario, with the remaining percentage coming from the Maritime provinces.

In the early days, maple sugar was to the pioneers a necessity rather than a luxury since cane sugar was expensive and difficult to obtain. The production of maple sugar was a somewhat domestic matter with the early settlers or farmers producing what they required for their family needs. From this they developed a growing commerce in maple products which because of their popularity became a favorite subject for fraud and adulteration. In 1914 the Adulteration Act was amended to introduce provisions respecting maple sugar and syrup and to prohibit the use of the word "*maple*" in any manner that was deceptive as describing the product. Standards were established for maple products and these provisions were continued in the Food and Drugs Act in 1920 when it was passed, and remained in that legislation until 1930 when they were repealed and the Maple Sugar Industry Act was enacted to replace the provisions which had up to that time been contained in the food and drug legislation.

The present statute replaces the Maple Sugar Industry Act and is intended to improve the construction of the Act without making material change in its content.

It requires no detailed discussion because the Act is relatively short and its purpose is discernible from its provisions and from the regulations which have been made under it.

Like the Opium and Narcotic Drug Act it is one of the few instances in which a statute attempts to deal wholly with a particular product or commodity. Without in any way discussing its constitutional position, a perusal of the legislation will bring to mind certain

points contained in the decision of the Judicial Committee of the Privy Council in the *Margarine Reference* case. The Act is, of course, designed as protection for an industry. This is clear, not only from the title but from its subject matter.

It will be seen, in connection with the discussion of the Related Provincial Food and Drug Laws in Chapter 4, that maple products are also dealt with specifically by legislation in the province of Quebec. So far as is known neither the provincial regulations respecting maple products in that province nor the federal act has been challenged or subjected to any controversial examination.

Meat and Canned Foods Act—R.S.C. 1952, c. 177

The legislation respecting the handling of canned foods in Canada differs in a number of respects from that of other countries. Before discussing in detail the present Act and the Regulations thereunder, it may be appropriate to refer briefly to the historical and legislative development of canned foods legislation in Canada.

Historical Development

The first legislation in Canada which dealt with canned foods was passed in 1884 as an amendment to the Weights and Measures Act of 1879. Under this amendment, provision was made that the labels of canned foods, such as fruits and vegetables and fish should have the weight of the contents marked on the container and any misrepresentation or false statement concerning the weight was an offence.

In 1885 there was passed the Canned Goods Act 48-49 Victoria Cap. 62. This was the first positive legislation respecting canned foods and possibly was the forerunner in any country of modern canned foods legislation. It provided for certain labelling matters, such as the name and address of the packer or first dealer, and prohibited misrepresentation as to quantity or weight of contents. Curiously enough, this legislation did not positively require a statement of the weight on the label as previously had been required in the amendment to the Weights and Measures Act but merely provided that if a statement of the weight did appear it must be true and correct.

In 1907 there was enacted in substitution for the Canned Goods Act, the Meat and Canned Foods Act which, as from time to time amended, constitutes the present legislation.

The bill was introduced to Parliament by the Minister of Agriculture, The Honourable Sir Sidney Arthur Fisher, and its purpose as explained, was to provide for further supervision and inspection of canned food products, meats and fish.

Because of the somewhat revolutionary approach to the problems involved in food packing which were represented in this legislation, the initial activities of the Department of Agriculture were directed rather to education and to sanitation as a means of enforcement.

The early legislation was considerably limited as regards its subject matter in contrast to the present regulations which cover such a range and variety of products. The first legislation was confined to meats and canned or packaged foods which were prepared or stored for export, but with a somewhat more restrictive meaning than being given to the expression "export" than is contained in the present Act.

In 1918, as a result of experience in marketing problems gained during World War I, standards of quality were introduced through a revision of the regulations. Shortly afterwards, export control was introduced and a system of grading and marking of goods for export with export certificates was established.

In 1922 the Act was amended to make provision for canned fish and shell fish although these products as packaged goods, actually came within the scope of the existing legislation.

It was apparently felt appropriate to enact special legislation to cover canned fish and shell fish, because up to that time the legislation in dealing with packaged goods had been concerned primarily with fruits and vegetables, and with such an important new subject being taken under regulatory control, it was apparently considered desirable to have it specifically included by name.

The above summarizes the legislative history and development of the Meat and Canned Foods Act and it now becomes appropriate to discuss it and the regulations which have been made thereunder in the form in which they are presently enacted.

The Meat and Canned Foods Act is, except as regards canned fish and shell fish, administered by the Department of Agriculture. The provisions of it which relate to canned fish and shell fish are, as already mentioned, within the administration of the Department of Fisheries.

Comparison of the Meat and Canned Foods Act with the Food and Drugs Act

In considering the Meat and Canned Foods Act, there must continually be kept in mind the provisions of the Food and Drugs Act. The acts are closely related as to subject matter and there is, on the surface at least, considerable duality of purpose as well as of subject matter in their respective provisions.

"Food" is identically defined in the two Acts as follows:

"'food' includes every article used for food or drink by man, and every ingredient intended for mixing with the food or drink of man for any purpose whatever;"

There are, however, substantial differences in the legislative and administrative treatment of the subject under the two Acts, despite its identity by definition. The Meat and Canned Foods Act is limited to foods that are prepared for export in licensed establishments and export is defined to include trade as between provinces in addition to export from Canada. A registered establishment is an establishment in which such food is prepared or stored and which is registered by the Minister of Agriculture under the provisions of the Meat and Canned Foods Act.

In addition to this limitation of jurisdiction the Meat and Canned Foods Act, despite its broad definition of food, deals primarily with named foods and makes provision for the Governor in Council naming foods that shall be subject to its provisions. Strictly speaking, the foods that are dealt with under it are foods that have some direct relation to agriculture but the application of the Act need not be so restricted.

The Food and Drugs Act, in addition to dealing with foods, in that specific standards or regulations have been made for particular foods, also applies to all substances that are within the definition of food and irrespective of whether they are specifically named or dealt with by regulation.

Thus, vinegar is a food that is dealt with under the Food and Drugs Act, but is not dealt with under the Meat and Canned Foods Act, although it would equally come within the definition of food in that statute. Similarly, flour is a food that is dealt with under the Food and Drugs Act by regulation, but is not dealt with under the Meat and Canned Foods Act.

It is important to keep in mind that all foods which are subject to the Meat and Canned Foods Act as being named by the Governor in Council, and otherwise within its jurisdiction and provisions, are also subject to the Food and Drugs Act, whether or not they are specifically mentioned or dealt with in the regulations thereunder.

Conversely all foods which are subject to the Food and Drugs Act are not necessarily subject to the Meat and Canned Foods Act except under the circumstances that have been explained.

The basis of naming a food for inclusion within the provisions of the Meat and Canned Foods Act is not capable of precise definition as will be seen from an examination of the various foods which are dealt with under that Act.

The foods that are dealt with would seem to be properly within its provisions having regard to the scope and purpose of the Act. There are, however, many foods which would seem equally to be subject to these considerations, but which are not dealt with under that Act.

It is not necessary in this connection to discuss either the methods of the selection of foods or to single out any particular foods as having been included or not included, as the case may be. It is sufficient to point out that despite the fact that food is identically defined in the two Acts, there is a sharp distinction between them in their application to and provision for particular commodities. This is over and above the jurisdictional difference which is involved in considerations of interprovincial trade as opposed to the application of the Food and Drugs Act irrespective of the subject being one for interprovincial or intraprovincial trade.

It will therefore be seen that foods which are prepared for local consumption and which do not move out of the province are not made subject to the provisions of the Meat and Canned Foods Act, but such foods will be subject to the provisions of the Food and Drugs Act. Such foods are, moreover, subject to whatever provincial requirements may have been enacted in the province, and provided such requirements would not be in direct conflict with the provisions of the Food and Drugs Act. This is unlikely, because provincial requirements almost invariably deal with sanitation, inspection, licensing and the like, and not with standards of quality or labelling, which are, as a rule, wholly dealt with in the federal legislation.

There are, of course, certain exceptions to this latter statement, notably in the case of margarine, which is subject to special provincial legislation, and in the province of Quebec, to certain foods which are dealt with under the Canned Foods Act of that province.

There are therefor important distinctions to observe in the jurisdictional and administrative positions of the two federal acts. From a practical point of view the bulk of foods which are prepared for commerce are prepared in licensed establishments because it would not be commercially advantageous to have jurisdictional barriers to the manufacture and sale of such products. Moreover, packers who do not pack for interprovincial trade nevertheless may register their establishments under the Meat and Canned Foods Act.

The Food and Drugs Act, as has been stated is wholly a "*consumers*" act. It is not concerned with production, distribution or marketing from the point of view of other than that of the consumer. The Meat and Canned Foods Act, however, as its text and Regulations will show, is concerned with matters which are of direct application to the producer, processor and distributor, as well as to the consumer. While it is in one sense a consumer "*protection*" act, it is also in other respects a "*producers*" or "*marketing*" act. This duality of purpose makes for some difficulty in explaining and relating the two statutes.

Originally, the Food and Drugs Act was intended to establish basic and minimum standards of quality and the Meat and Canned Foods Act to establish grade standards and other manufacturing controls for certain foods which would be over and above the minimum standards of quality established under the Food and Drugs Act.

It is not contended that this original purpose has been constantly or logically applied to all of the foods which are subject to this Act. Examples can be given from which it would be difficult to support these particular purposes. On the basis of such division of the legislative purpose it might appear in many instances that the two Acts purport to deal with certain foods for the same purpose, but perhaps with some difference in language. There are, however, many foods which are subject to the Food and Drugs Act which have not been made subject to the Meat and Canned Foods Act. Conversely, there are many foods, notably canned fruits and vegetables, soups, jams, jellies, etc., which are subject to special regulations in the matter of standards and labelling under both Acts.

It will be observed that Section 3(a) of the Food and Drugs Act provides that standards of quality under the Food and Drugs Act shall not conflict with standards of quality or limits of variability prescribed under the Meat and Canned Foods Act. This would give as regards standards, priority to the Meat and Canned Foods Act. This is not a matter of difficulty, because in making standards under each Act the necessity to avoid conflict or differences is recognized.

Despite the seeming complication and confusion from the degree of overlapping and duplication that is possible under these statutes administered by two separate Departments of Government, each of the Departments has co-operated fully with a view to the avoidance and elimination of possible conflict.

It may be appropriate at this point to discuss in some greater detail the provisions of the Meat and Canned Foods Act with respect to the classes of foods with which it is concerned.

Classification of Foods under Act

In the first place, while the definition of food is identical with that given in the Food and Drugs Act, for administrative and interpretative purposes it is divided into three broad classes covering respectively processed fruits and vegetables, meats and horsemeat, and canned fish and shell fish. These will be discussed in that order and in accordance with the separate regulations which have been made for them.

It may now be convenient to examine more closely certain of the provisions of the Meat and Canned Foods Act and certain features of the regulations which have been passed under it, and which respectively relate to foods mentioned, namely processed fruits and vegetables, meat and horsemeat and to canned fish and shell fish.

While the definition of food, in the Meat and Canned Foods Act is not limited to particular foods or classes of foods, administratively the Act deals with three classes of foods and then only such as are by name specifically made the subject of regulations.

These regulations, which are produced in full, deal only with the foods therein named, and are as follows:

1. The Processed Fruits and Vegetables Regulations as made by Order in Council P.C. 2491 of June 3, 1948;
2. Regulations governing the inspection of Meat and Horsemeat, as made by Order in Council P.C. 588 of February 10, 1949;
3. Regulations governing the inspection of Canned Fish and Shell Fish and the operation of canneries, as made by Order in Council P.C. 5701 of November 8, 1949.

Before discussing certain of the regulatory provisions some general observations on the Act itself may be pertinent.

General Requirements of Act

Unlike the Food and Drugs Regulations which do not permit reference on labels and containers that the commodity complies with the requirements of the Act, the Meat and Canned Foods Act specifically requires certain legend information of this kind. For example, statutory brand marks as provided in the regulations such as "Canada Approved" on meat products, the designated size of the container, such as—"20 fluid ounce"—as well as the grade designation of the contents, are required to be shown on the container.

Subsection (3) of Section 28 of the Meat and Canned Foods Act, moreover, requires that all canned fruit or vegetables or products thereof, or any food or food products, including canned fish and shell fish, which may be named by the Governor in Council shall be offered for sale only in such cans or other containers as the Governor in Council may by regulations prescribe, and such cans or containers must contain the quality, quantity or weight prescribed by the regulations. It is under the authority of this provision respecting quality that grade standards are prescribed.

Section 33 of the Act requires that every person offering or accepting for export or import, or exporting or importing,

- (a) any carcass, or portion or product thereof;
- (b) fruit or vegetables or products thereof; or
- (c) food or food products named by the Governor in Council under the provisions of section thirty-five of this Act;

shall furnish such proof as is required by the regulations as to whether the articles so offered or accepted for export or import, or exported or imported are subject to inspection or not.

In the case of meat imports, government inspection in the country of origin, as well as compliance with the provisions of the Act and regulations in Canada, including inspection, is required.

The above are amongst a number of matters for which the Act makes provision, and from which its general purpose, in relation to the general purpose of the Food and Drugs Act, may perhaps be better understood.

Regulations under the Meat and Canned Foods Act

Processed Fruits and Vegetables Regulations

It has been mentioned that there are three different sets of regulations under the Act dealing respectively with processed fruits and vegetables, with meat, and with canned fish. Of these three, the regulations respecting processed fruits and vegetables are possibly of the greatest importance because they, in effect, are the regulations which apply to the food-canning industry in Canada.

The following comments respecting the regulations will be concerned more with the Processed Fruits and Vegetables Regulations than with the other regulations made under the Act.

Of these regulations, there are two important features which require discussion.

The first refers to the establishment of grade standards and appropriate grade standard designations. The discussion at the beginning of this chapter, in dealing with grade standards, mentioned that the subject would be further discussed in connection with the Processed Fruits and Vegetables Regulations.

The other feature refers to standard sized containers in which certain named foods must be packed. This is provided in Section 28(3) of the Act which authorizes the designation of the size of container and of the contents thereof.

The regulations in general deal with a number of things besides grades and containers, such as colours, preservatives, labelling and other matters comparable to the things that are dealt with under the Food and Drugs Act.

It is necessary in dealing with any particular commodity to have regard to the provisions of the Food and Drugs Act, as well as to the provisions of the Meat and Canned Foods Act, because different considerations may be involved under each, depending upon the purpose for which the subject is dealt with.

Although the regulations deal with standard containers before they deal with grade standards, the subject of grade standards will be discussed first. In using the expressions either "grade standard," "standards" or "grade designations" in connection with processed fruits and vegetables, no difference of subject is intended.

Grade Standards and Designations

Under the heading of grade standards earlier in this chapter, there were set forth some general observations with respect to the practice of grade marking, the arguments for and against that practice,

and there were given in some detail the various grade designations that are employed in connection with the Processed Fruits and Vegetables Regulations, amongst other requirements.

Part II of the Processed Fruits and Vegetables Regulations which will be the subject of discussion, is divided into four divisions each dealing with a separate branch of the subject as follows:

First division Canned Fruits and Vegetables

Second division . . . Frozen Fruits and Vegetables

Third division . . . Dehydrated and Evaporated Fruits and Vegetables

Fourth division . . . Jams, Jellies, Marmalades and Preserves (Conserves)

The grade designations under the first division are respectively, *FANCY*, *CHOICE* and *STANDARD* quality. Provision is also made for the sale of substandard quality products providing the product is wholesome and fit for use as food.

It may be noted that in the first division there is included a number of products for which there is not provided any grade standard or designation. For certain of these products there is, however, provided a standard which is comparable to the standard of quality established under the Food and Drugs Act, as, for example, tomato pulp, paste, puree and catsup.

The real purpose, however, of including these products in the first division is not as regards the requirements of a standard, but to subject them to the requirement of being packed in standard containers.

It may be useful to indicate briefly certain of the features which may be involved in the various grade designations of "*FANCY*", "*CHOICE*" or "*STANDARD*" as applied to canned fruits and vegetables. Generally, "*FANCY*" grades provide better appearance and possess certain esthetic advantages but not better nutritional quality. This is particularly so in the case of canned fruits where certain "*STANDARD*" grades would be difficult to distinguish from either "*CHOICE*" or "*FANCY*", except in the matter of syrup clarity and character of the fruit, including absence of defect.

In the case of vegetables, however, the difference between grades is often more noticeable. This is particularly so in the case of peas, which, when graded "*FANCY*" should show a noticeable difference as regards maturity (tenderness) and clarity of liquor.

Size is no factor in the determination of quality, whereas uniformity may be. At one time small peas (*petit pois*) were regarded as indicative of highest quality. Due to improved varieties, large peas are now grown which will rank higher as regards tenderness, flavour and other quality factors than ever did the peas that at one time were classed as the highest.

Under the second division, the designations are respectively "*FANCY*" and "*CHOICE*," with comparable provision for sub-standard quality.

Under the third division, the designations are respectively "*FANCY*", "*CHOICE*" and "*STANDARD*", with also provision for sub-standard quality.

No designations are provided for the fourth division, but provision is made for the use of expressions, such as "pure jam", "jam,

(etc.) with added pectin" and "apple or rhubarb (and the other added fruit) jam", (etc.). The use of the word "pure" is confined to products which contain not less than a minimum stated quantity of the fruit in question. Different proportions are permitted with a different designation for the product. In the case of a product with an apple or rhubarb filler, the regulations require the correct labelling as above indicated. This subject is, perhaps, made quite clear on reference to the regulations themselves.

Each of the designations which have been mentioned are descriptive of conditions that the regulations set forth, and which the respective commodities must meet in order to merit a particular grade designation or description.

Standard Containers

The next feature which is of interest, is that respecting uniform size of containers. Section 37 of the regulations sets forth a list of the foods which may only be sold if packed in containers of the prescribed sizes and diameters as therein listed. Included in the designation of the size, are also specifications for the diameter and height of the container.

Fruits, vegetables, juices and soups, amongst other things can only be packed in containers of an enumerated size. Fruit and vegetable juices, for example, require to be packed in containers of 10, 15, 20, 28, 48 and 105 fluid ounce size. The containers so prescribed are called standard containers.

The latitude that is permitted by the regulations with respect to the choice of a size of a container may, of course, differ slightly as between various commodities but, generally speaking, the standard containers are respectively 10, 20, 28, 48 and 105 fluid ounces.

Some exceptions are made where, for example, vacuum packed corn is required to be packed in standard sized containers of 8 or 14 fluid ounces, while corn on the cob is required to be packed in prescribed containers of 28, 35 or 48 fluid ounces.

Provision is also made for containers for frozen fruits and vegetables, as well as jams, jellies, etc. Here, however, the requirements with respect to the size of the containers do not prescribe dimensions as in the case of fruits and vegetables, but do prescribe specific net weight of content. This, in effect, gives to the packer some choice in the appearance of the container that he may employ, but because of the requirements as to net weight of contents, frozen fruits and vegetables have tended to be packed in generally uniform containers as regards appearance.

For practical purposes, it might be considered that frozen fruits and vegetables are packed in standard sized containers.

In the case of jams, jellies, etc., the prescribed containers are of a 2½ - 6 - 9 - 12 - 24 or 48 fluid ounce size. In addition, the regulations also prescribe that for quantities of 12 - 24 - 48 fluid ounces in containers of glass, such containers must be of the mould type, commonly described as "utility". This is the round model container that became established and recognized during World War II.

Containers of less than 12 fluid ounces, however, are not restricted on the type of mould or container and present an open choice to the manufacturer or packer as regards the appearance of the container that he wishes to employ.

The purpose of requiring uniform size and type of containers as is provided in these regulations is twofold. It benefits the packer as well as the consumer. It avoids, in the case of the foods which are subject to the requirements of the regulations, a packer engaging competitively with other packers in providing packages of odd sizes, and with a resulting difference in appearance, and perhaps price.

This is of very great importance to the consumer, because the difference of a fluid ounce or part of a fluid ounce in the size or appearance of the container would not be likely to be noticed by the consumer, whereas, such a difference ought to be reflected in a price difference which would seem competitive unless the difference was fully understood and appreciated by the consumer.

This point can perhaps be best illustrated by making reference to preparations which are not required to be packed in standard containers, but which may otherwise be subject to the regulations.

Tomato ketchup provides a case in point. It is subject to the regulations under the Meat and Canned Foods Act, except as regards the requirements that it be packed in a standard container.

The difference in the size of a glass container which contains 13 fluid ounces, as against one that contains 11 fluid ounces is not readily noticeable to the average consumer. It is only by an examination of the statement of contents on the label that the difference of two fluid ounces becomes apparent.

The difference in price between the larger quantity and the lesser quantity is, perhaps, but a cent. The difference, therefore, between the two containers which is actually reflected in only this slight price differential, would indicate that the smaller container is the better value, whereas, on a comparison of quantity this is not so. Such a difference is, of course, not possible, in the use of standard containers which are required to conform to size and appearance, and, moreover, there is almost invariably a difference of four to five ounces between the sizes of the various standard containers, which makes it unlikely that one size could be confused with another. This, of course, is apart from the requirements of the regulations that the size of the container be clearly marked thereon, as for example, "20 fluid ounces", "15 fluid ounces", or as the case may be.

Apart, therefore, from the advantage and convenience to the packer, which have been mentioned, the customer is also benefited because he need only be concerned with the grade designation and the quantity that he desires to purchase.

Net and Drained Weight

Section 38 of the Regulations is of some significance, as it prescribes the minimum net and drained weight of the contents for the canned fruits and vegetables that are listed in that section.

Exports

In conclusion, it should be mentioned that the regulations deal with export from Canada and require the completion of prescribed

forms as set forth therein before the foods are permitted to leave Canada. This does not apply to foods which move only in inter-provincial trade from registered establishments.

In this connection, while substandard quality is authorized for domestic consumption, Section 39 of the Regulations prohibits the export out of Canada of any food that grades below "*standard*" quality.

Regulations Governing the Inspection of Meat and Horsemeat

The regulations respecting meat and horsemeat and fish can be dealt with much less extensively than is considered necessary in those respecting processed fruits and vegetables.

The meat regulations, as an examination will reveal, are essentially from a health point of view. They are concerned with the health of the animals at the time of slaughter and with their fitness for food, as well as with matters of sanitation in licensed establishments where meats are prepared.

The enforcement side of the regulations is entirely in the hands of veterinary surgeons in the employ of the Department of Agriculture, and who may be stationed in licensed establishments. It will be observed that apart from the use of the phrase "Canada Approved" as evidence of inspection, the meat regulations do not deal with grade standards. This is dealt with under the Live Stock and Live Stock Products Act.

As in the case of the Processed Fruits and Vegetables Regulations, uniform and standard size of containers are prescribed for a number of the commodities which are prepared in establishments and which contain meat or meat products.

With this brief explanation of the regulations respecting meat and horsemeat, the regulations themselves are sufficiently self-explanatory.

The remaining regulations under the Meat and Canned Foods Act which require mention, are those respecting fish and shell fish.

Regulations Governing Inspection of Canned Fish and Shell Fish and the Operation of Canneries

For a more comprehensive review of the legislation respecting fish and fish production, the reader is referred to the discussion earlier in this chapter under the heading "Legislation Respecting Fish and Fisheries". This, however, is the appropriate place to deal with the regulations under The Meat and Canned Foods Act, insofar as they relate to canned fish and shell fish.

The regulations under the Meat and Canned Foods Act deal only with canned fish and shell fish, and the operation of canneries.

While in the Meat and Canned Foods Act the administration of the Act is entrusted to the Minister of Agriculture, the Department of Fisheries Act places under the administration of the Minister of Fisheries that portion of the Meat and Canned Foods Act that relates to canned fish and shell fish. The regulations, therefore, which have been made under the Meat and Canned Foods Act governing the inspection of canned fish and shell fish, and the operation of canneries, are administered by the Department of Fisheries and not by the Department of Agriculture.

The regulations establish grade standards for certain fish which are dealt with thereunder, as well as providing uniform standard containers therefor.

For example, canned lobsters are required to be packed in 3, 6, 9, and 12 oz. cans, and the grades, "Extra Fancy", "Fancy" and "Standard" are provided for lobsters, with provision for a sub-standard grade as in the case of other commodities which have been mentioned.

Salmon is dealt with by appropriate regulations depending upon whether it is British Columbia salmon or salmon from Eastern Canada.

Suitable grade standards are established for a large number of named fish as for example, chicken haddie, mackerel, herring, amongst others, and these grades are either Fancy or Standard, again with provision for sub-standard quality.

The regulations make appropriate provision for matters of cannery construction, location and sanitation, and all such canneries are subject to inspection, with the products thereof being required to be sold under inspection.

With the general observations that have been made and the particular matters that have been emphasized in discussing the legislation, and particularly as regards processed fruits and vegetables, it is hoped that the administrative purposes of the Act and the regulations as dealt with thereunder may be more easily understood.

CHAPTER 4

RELATED PROVINCIAL FOOD AND DRUG LAWS

While it is not part of the discussion of provincial laws relating to food and drugs to go further into the constitutional position of the subject in Canada, there are certain complicating factors in connection therewith which are inevitable in a federal state. In a unitary state there is, of course, but a single source of law apart from local ordinances and bylaws. In a federal state, such as Canada, however, there often are, in addition to laws enacted under federal authority, laws on some phase or other of the same subject enacted under provincial authority by virtue of the autonomy which the provinces respectively enjoy.

In the case of a federal statute, one is only concerned with its scope and extent and the degree of its application to matters which are wholly or in some respect provincial. As regards provincial legislation, the situation is complicated for a number of reasons. The first of these involves the number of provinces that must be considered and which in the case of Canada, includes ten. The ten provinces have respectively enacted laws relating to the subject of food and drugs, each varying in scope and extent, and seldom with any pattern of uniformity traceable throughout which would enable a single statute to be described as uniform with all other provincial statutes dealing with the same subject. Apart from the lack of uniformity as regards the scope, extent and text of provincial statutes, there is, in the case of food legislation, a further difference in the provincial treatment which varies in accordance with the importance that a particular subject or commodity may enjoy in terms of the economy of the province.

Space does not permit of the reproduction of the text of each provincial act and its regulations, as is done in the case of the related federal statutes which are reproduced in Part V. While it is not feasible, except, perhaps, in the case of drugs, to make a detailed analysis of each of the various provincial statutes, the purpose of this discussion will be to explain the scope and purpose of a number of relevant provincial food statutes. These statutes are selected because of a direct or indirect relationship to the subject as it may be specifically dealt with in a federal statute, or because they are statutes which deal with the subject of food from a point of view which concerns matters wholly within the jurisdiction of a province.

In addition to the discussion which will be given in this chapter to a number of provincial statutes, there is also reproduced in Part VI the text of certain of these statutes, where it is possible to do so, as being sufficiently illustrative or representative of the kind of legislation which one might expect to find in a provincial statute dealing with a particular commodity or subject. This, in addition to the explanation contained in this chapter, should adequately relate the provincial treatment of the subject of food to the federal treatment of the subject. It should, moreover, put into a proper perspective the way in which the subject is dealt with as regards provincial matters, in contrast to the way in which the subject is dealt with at the federal

level. Obviously, any such discussion must be of a general character and for detailed information concerning a commodity or product, the reader must have regard to the relevant statute, including any regulations, that may have been made under it. It is hoped, however, that the explanation and the discussion will make clear the relationship of provincial laws to the subject of the federal laws as it is covered thereby.

While there are many complications in dealing fully with all of the provincial laws, either as regards a particular product or commodity, it is possible to divide the discussion as between foods and drugs. Provincial legislation, therefore, as it pertains to drugs will be separately dealt with under the heading "Pharmacy Legislation". Because drugs are, at the provincial level, ordinarily dealt with in a single statute, the discussion of pharmacy legislation can be reduced to one of relative simplicity in contrast to the problem presented by the large number of provincial statutes which deal with the subject of food.

Food Legislation

At the outset it might be mentioned that the subject of food is not dealt with under provincial legislation in the same way or for the same purpose as it is in the federal Food and Drugs Act.

In general, the provincial legislation which has been enacted respecting food deals with it as an agricultural subject and essentially from a production, inspection, grading and marketing point of view. Included in these features of the legislation is the very important question of licensing of plants, producers, distributors and other persons engaged in marketing operations. In this latter connection, the legislation may establish marketing boards and commissions with a view to the orderly distribution and sale of agricultural or natural products within a province. It may be mentioned that while the provincial legislation is usually concerned with some phase of agriculture or the produce of agriculture in its widest sense, the authority for the legislation is almost invariably found in the phrase "Property and Civil Rights in the Province" as provided in 92(13) of the British North America Act.

While the provincial statutes are in general concerned with the features mentioned, the legislation may deal with them broadly, as in the case of natural products or individually, as in the case of dairy products, live stock and live stock products, fruit, vegetables, fish, etc. It may be pointed out that while a statute can deal wholly with a subject within a province, it can have no extra provincial application. Many statutes of the marketing type have been challenged because from their pith and substance they purport to extend their provisions to the regulation of a particular trade, industry or branch of production beyond the jurisdiction or boundaries of a province. Great care is, therefore, exercised in this class of provincial legislation to make clear that its operation is confined to matters wholly within a province. This, of course, does not mean that a product which is produced in a province may not move commercially into another province. If it does, however, it must meet whatever conditions may be contained in a relevant federal statute, or meet particular conditions contained in a provincial statute of the province from and to which the product may be consigned.

As in the case of products and commodities which are dealt with under federal enactments, such as live stock and live stock products, fruits, vegetables, dairy products and fish, each of the provinces has legislation of some kind designed to complement the federal legislation or otherwise to regulate the product within the province as regards matters involved in its production, inspection, grading and marketing.

Various provincial statutes are selected for discussion under appropriate headings which are intended to be descriptive of their subject matter and to bear some relation to corresponding federal statutes. The legislation will accordingly be dealt with under the following headings:

- Dairy Legislation
- Fisheries Legislation
- Fruit and Vegetables Grading and Sales Legislation
- Health Legislation
- Live Stock and Live Stock Products Legislation
- Margarine Legislation
- Marketing Legislation
- Miscellaneous Legislation

The following discussion respecting legislation under the above headings is not intended to obviate reference to Part VI, but merely to provide some general explanation of the subject as it is dealt with in that Part through the reproduction of selected provincial statutes.

Dairy Legislation

As will be seen from the Table of Statutes, each of the provinces has enacted legislation in some form or other covering the production, inspection, grading and sale of dairy products. Dairy products are in general defined as butter, cheese, ice cream, condensed or dehydrated milk or milk products, and the legislation is concerned with the manufacture and sale of those products.

The legislation gives authority to regulate dairy products through the licensing of manufacturing plants, the establishment of facilities for inspection and grading of dairy products and other matters incidental to the regulation of the dairy industry in a province.

There is no substantial uniformity in the provincial legislation as it deals with the manufacture and processing of dairy products in Canada, and accordingly there is no single act that could be reproduced as representative of all. The various provincial statutes would, therefore, need to be considered for detailed information respecting any particular problem arising under this class of legislation.

For purposes of illustration, however, as to the kind of legislation that might be expected, there is reproduced in Part VI, the text of The Dairyman's Act, 1950, of the province of Alberta and the regulations thereunder. In addition to legislation of this kind, it will be seen from the Table of Statutes that certain of the provinces have legislation specifically concerned with the production of fluid milk and cream, as well as with the distribution thereof. This, of course, is in addition to general dairy legislation of the kind that has been discussed and which is represented in the Dairyman's Act of Alberta.

The purpose of milk and cream type of legislation is concerned with sanitation, inspection of plants, use of approved equipment and other matters necessary to the control for health reasons, of milk and cream production. As regards distribution, there is, in a number of the provinces, legislation designated as milk control legislation. This legislation is concerned essentially with the distribution of fluid milk and not with matters of health, sanitation, etc., as is the case in the other classes of milk legislation.

The milk control type of legislation is in general, applicable only in urban areas, and as a rule establishes a Milk Board or Commission, with wide powers to make orders and regulations affecting all levels of milk production and distribution, to ensure an orderly supply of milk for urban communities at uniform prices.

The authority of the Board, therefore, extends to the licensing of producers, the fixing of prices for raw fluid milk to be paid by distributors, the licensing of distributors and the fixing of prices to be paid by the consumer for fluid milk products.

To illustrate the kind of legislation that deals with the control of milk and milk products as described, there is reproduced in Part VI, the text of the Milk Control Act of the province of Saskatchewan.

Margarine is not ordinarily considered to be a dairy product and it will therefore be separately discussed under the heading of Margarine Legislation.

Fisheries Legislation

In Chapter 2, the division at the federal level of the legislative and administrative responsibilities concerning fisheries was explained. It was pointed out that the provinces have enacted legislation dealing with fish and fisheries in the sense that the subject came within the expression "Property and Civil Rights in the Province", and therefore applicable to the production and sale of fish and fish products within the province.

The provincial legislation which deals with the subject of fish, "*qua*" property, varies in scope and extent in accordance with the importance of the fishing industry, in terms of the economy of the province. As might be imagined, it ranks high in the economy of the maritime provinces, and in British Columbia, but assumes correspondingly less importance in the inland provinces.

Here, however, it might be pointed out that fresh water fish from the lakes in Northern Canada are enjoying increasing popularity and demand, with a consequential importance being given to the fishing industry in the provinces concerned.

While it would be impracticable to reproduce all of the provincial enactments which deal with the subject of fish, it may be sufficient to reproduce in Part VI, the text of two statutes as being somewhat illustrative or representative of provincial legislation. There are, accordingly, reproduced in that Part, the text of the Nova Scotia Fishery Act and the regulations thereunder, and the text of the Manitoba Fish Inspection Act.

The former legislation deals primarily with matters of licensing at various levels of the industry, and with the packing and marketing of fish.

The legislation incidentally resembles that enacted in the province of Prince Edward Island for a comparable purpose.

The Manitoba Fish Inspection Act on the other hand, is an example of "legislation by reference," and it adopts the provisions of the federal Fish Inspection Act which is also made applicable in the legislation of the provinces of Saskatchewan and Alberta, which deal with fish. It will likewise be seen that the legislation of other provinces also enacts by reference this legislation, as well as in some cases, the provisions of the Meat and Canned Foods Act which deal with canned fish and shell fish.

In addition to the reproduction of the statutes mentioned the following detailed comments on the various types of legislation enacted by the provinces will be useful in further clarifying the picture as it pertains to the subject of fish legislation from the provincial point of view.

Province of Newfoundland

The situation in the province of Newfoundland requires some explanation, as otherwise the type of legislation, which is in force, would seem to conflict with what has been said with respect to the federal treatment of the subject.

Prior to Confederation of Newfoundland with Canada, fishing, which formed a major part of the economy of the island, was dealt with under the Department of Natural Resources. This legislation dealt specifically with various kinds of fish and fishing, including salmon, lobster, cod-fish and herring, amongst others.

It was provided in the terms of Union that the federal legislation would become operative in the province on proclamation. Up to the present time, this legislation has not been proclaimed to be in force in the province of Newfoundland.

Accordingly, in that province, the subject has continued to be dealt with under existing legislation, and the regulations made under the Natural Resources Act of the province continue to deal with the special kinds of fish and fishing as mentioned.

Prince Edward Island

The Prince Edward Island legislation which is entitled The Fisheries Act, among other things deals with the canning of fish and shell fish. Because of the importance of the lobster and oyster industry in that province, the legislation is also concerned with the operation of canneries and fish plants. Part 3 of the Act enacts by reference the provisions of the federal Meat and Canned Foods Act which deal with canned fish and shell fish, and canneries, as well as the provisions of the federal Fish Inspection Act which deal with the inspection of certain pickled, salted and other kinds of fish and shell fish.

This device of legislation by reference is employed in a number of the provinces with respect to the canning and processing of fish and fish products, amongst other products. So far as is known, its validity has not been challenged in relation to this particular subject. In this connection, however, the reader is referred to the discussion in Chapter 2 on legislation by reference, and in particular to the cases of *R. v. Zadachky*, 1935, 3 D.L.R. 788, and *R. v. Brodsky*, 1936, 1 D.L.R. 578.

Province of Nova Scotia

The Nova Scotia Fisheries Act deals with the licensing of fish and shell fish plants and canneries, and by Part 3, as is done under the Prince Edward Island legislation, adopts by reference the federal legislation under the Meat and Canned Foods Act and the Fish Inspection Act, insofar as they are within the legislative competence of the province.

Province of New Brunswick

In New Brunswick, the Fisheries Act, as is stated in Section 2 thereof, is intended to apply to all fishing and rights of fishing, and all matters relating thereto, in respect of which the legislature of the province has authority to legislate.

It accordingly deals substantially with leasing of fishing rights, kinds and quantities of catch, types of sport fishing and related matters.

The province has also passed further legislation entitled "An Act Relating to the Canning of Fish". This Act also adopts by reference the provisions of the federal Meat and Canned Foods Act dealing with canned fish and canneries, and of the federal Fish Inspection Act, insofar as the subject is within the legislative competence of the province.

Province of Quebec

In Quebec, as will be seen from the Table of Statutes, there are two statutes respecting the subject. The first relates to the canning of fish, mollusks, and crustaceans, and the inspection of factories and canneries therefor. The other statute is entitled "The Quebec Fisheries Act" which is concerned with the subject essentially from the sports point of view in that it has provisions for line fishing, rod and line fishing, fishing leases and licenses and other matters. It has special provisions for salmon fishing, oyster fishing and shell fishing, and with administrative and enforcement provisions.

Province of Ontario

In Ontario, the subject is dealt with by The Game and Fisheries Act, which as its title would indicate, is also essentially concerned with the sports aspect of the subject. There are also in force in the province, special federal fisheries regulations made by the Governor in Council under the authority of the Fisheries Act.

Province of Manitoba

In Manitoba there are, in addition to special federal regulations made for the province under the Fisheries Act, two statutes relevant to the subject. The first is The Fish Inspection Act which adopts by reference the federal Fish Inspection Act, insofar as it is within the legislative competence of the province to do so. It will be noted that this does not adopt the provisions of The Meat and Canned Foods Act as they relate to canned fish and shell fish as is done in the maritime provinces.

The other Act is entitled "The Fish Dealer's Act" and its purpose is explained in its preamble as follows:

"WHEREAS, the fishing industry is of great importance to the economic welfare of the province and continues to increase in importance;

"AND WHEREAS, in order to protect the fishing resources of the province from wastage and destruction through the use of improper practices, and thereby to protect the fishing industry from serious injury, it is necessary to place fish as an article of commerce under closer control;

"AND WHEREAS to achieve such control it is deemed necessary to license all persons dealing in or with fish, and to provide penalties for dealing with unlicensed persons."

Province of Saskatchewan

In Saskatchewan the subject is dealt with in the Fisheries Act. This deals with the inspection of fish, licensing of canneries and, as in the case of the Manitoba Fish Inspection Act, adopts by reference, the provisions of the federal Fish Inspection Act, insofar as they are within the jurisdiction of the province. There are also special federal regulations for the province made by the Governor in Council under the Fisheries Act.

Province of Alberta

In Alberta there are two statutes relevant to the subject, the first being The Fisheries Act which provides for the regulation of trade practices in the handling of fish, licensing of fish plants and inspection of fish and of plants and other related matters. The second statute is the Alberta Fish Inspection Act which adopts by reference, the provisions of the federal Fish Inspection Act, insofar as they are within the authority of the province.

Province of British Columbia

In British Columbia there are two relevant statutes, the first being the Fisheries Act, and the other, The Meat and Canned Foods Act. The Fisheries Act provides for taxation of fisheries in the form of special taxes, and licenses on various kinds of fishing plants and fishing. By way of illustration, fish cold storage plants, fish buying stations, fish processing plants, as well as plants dealing with particular kinds of fish, such as herring, salmon, and tuna fish, are required to be licensed. The legislation is of a marketing kind as well, in that it provides for the establishment of arbitration boards and for the submission to such boards of differences and disputes, between licensees and fishermen as to the price to be paid for fish, etc. The other statute which is entitled The Meat and Canned Foods Act adopts by reference the provisions of the federal Meat and Canned Foods Act, relating to fish and shell fish insofar as such provisions are outside the legislative competence of the Parliament of Canada and within the legislative competence of the province of British Columbia.

Fruit and Vegetables Grading and Sales Legislation

This title is intended to include the various types of provincial statutes which deal with agricultural products generally, as such products are dealt with under the federal Fruit, Vegetables and Honey Act.

Certain of the provinces have legislation which is specifically concerned with fruit, vegetables and honey, whereas, in other provinces, the subject is dealt with by inclusion in the definition of an agricultural or natural product. This latter class of legislation has been to some extent discussed under the heading of Live Stock and Live Stock Products Legislation.

While the various statutes which deal with the subject either by specific legislation or by legislation of the broader kind, are listed in

the Table of Statutes, as well as in the Explanatory Notes to the Statutes in Part VI, it may be convenient for the purpose of this portion of the discussion, to list them hereunder. They are respectively, as follows:

Newfoundland	.....The Vegetable (Grading) Act, 1950;
Prince Edward Island	...Agricultural Products Marketing (P.E.I.) Act, 1940;
Nova Scotia	.....The Agriculture and Marketing Act of the Province of Nova Scotia (Part XVI) respecting "The Grading, Packaging, Inspection and Sale of Natural Products of the Province";
New Brunswick	.....The Natural Products Act, 1937, The Natural Products Control Act, 1937, as amended;
Quebec	.....The Agricultural Products Act, 1925, as amended;
Ontario	.....The Farm Products, Grades and Sales Act, 1937, as amended;
Manitoba	.....The Manitoba Vegetable Sales Act, 1942;
Saskatchewan	.....The Vegetable and Honey Sales Act, 1947;
Alberta	.....The Vegetable Sales (Alberta) Act;
British Columbia	.....The Fruit, Vegetable and Honey Grades Act, 1937.

It will be noted that in the case of Ontario and the western provinces there is specific legislation, whereas, in the eastern and maritime provinces the legislation is of the more general kind. This, of course, is subject to an exception in the case of the province of Newfoundland, where the legislation is specifically related to vegetables.

In the case of the western provinces, there is, in addition to this specific legislation, further legislation concerned with the marketing of natural products which will be separately discussed. It is important to note, however, that in the case of the maritime provinces, the marketing aspects of agricultural or natural products are also dealt with in the same legislation under which the subject of Fruit and Vegetable Grading and Sales Legislation is discussed.

Because of the difference in the provincial treatment of this subject as between eastern and western parts of Canada, it is not possible to reproduce in Part VI the text of one statute as being illustrative or representative of all the provincial legislation which deals with the subject.

There is, however, reproduced in Part VI as representative of this treatment insofar as the western provinces are concerned, the text of the "Ontario Farm Products, Grades and Sales Act" and of certain of the regulations thereunder.

As regards the more general treatment of the subject as contained in the agricultural or natural products marketing type of legislation, there is also reproduced in Part VI under the heading of "Marketing Legislation", the text of the "Manitoba Natural Products Marketing Act", and the reader is accordingly referred to Part VI under either or both of the headings mentioned for the text of the representative legislation in question.

The following are comments on the various statutes in question which deal specifically or by classification with fruits and vegetables grading and sales.

Province of Newfoundland

The Vegetable (Grading) Act 1950, of the province of Newfoundland, is concerned wholly with root vegetables and deals with the inspection, marking and packing of these vegetables and prohibits the sale thereof if below the minimum grades. Regulations establish grades for potatoes, beets, carrots, parsnips and turnips.

Province of Prince Edward Island

The Agricultural Products Marketing (P.E.I.) Act, 1940, is modelled on the Manitoba Natural Products Marketing Act, which is reproduced in Part VI under the heading, "Marketing Legislation".

The purpose of the legislation is expressed in Section 4 of the Act which states that it is to provide for the control and regulation in any or all respects of the transportation, packing, storage and marketing of natural products within the province, including the prohibition of such transportation, packing, storing or marketing in whole or in part.

A natural product is defined to mean any product of agriculture or of the forest, sea, lake or river, and any article of food and drink wholly or partly manufactured or derived from such product.

The legislation provides for marketing schemes and marketing boards with power to issue licenses, to fix fees and to be responsible for other matters necessarily involved in the marketing of natural products.

The legislation authorizes the adoption of federal regulations made under the Fruit, Vegetables and Honey Act and seeks to protect its validity by stating in Section 13 that its purpose and intent is to confine its provisions to matters within the competence of the legislature. It provides that should any of its provisions be *ultra vires* of the province, other provisions of the Act which are within the competence of the province, shall not be held inoperative or *ultra vires*, but shall be given the same effect as if originally enacted as separate and independent enactments. This device is, of course, insufficient to preserve the validity of the legislation if, in pith and substance, the legislation invades a field which is exclusively federal. (Reference Re The Debt Adjustment Act 1937 (Alta.) *Attorney General for Alberta v. Attorney General for Canada*, 1943, A.C. 356, 1943, 2 D.L.R. 1.

In the present type of legislation, it would not seem that any criticism could be made that it attempts to invade a field that is exclusively federal.

Province of Nova Scotia

The Agricultural and Marketing Act of the province of Nova Scotia is a comprehensive statute divided into a number of parts of which Part XVI deals with the "grading, packaging, inspection and sale of natural products" of the province.

The remaining portions of the Act deal with other aspects of agriculture and marketing, such as the encouragement of cattle breeding, horse breeding, poultry breeding, of seed growing and of dairying. It deals with plant diseases and contagious diseases amongst bees.

Part XVI of the Act which deals with the subject in question, makes provision for the grading, packaging, inspection and sale of natural products which, in turn, are defined to include animals, meats, eggs, poultry, dairy products, fruit, fruit products, vegetables, vegetable products, maple products, honey and such other natural products of agriculture as the Governor in Council (Lieutenant Governor in Council) may designate, as well as such articles of food and drink as are manufactured or derived therefrom. Authority is given in the legislation for regulations classifying and establishing grades for any product, respecting packages or containers and for the inspection, grading, packaging, packing, marketing, shipping, advertising and selling of natural products within the province. Administrative and enforcement provisions are included in the regulations with prescribed penalties for breaches.

Province of New Brunswick

The legislation in this province is contained in two statutes, one being The Natural Products Act, 1937, and the other being The Natural Products Control Act, 1937, as amended. The Natural Products Act defines a natural product to include fish, animals, eggs, poultry, wool, dairy products, fruit and fruit products, vegetables and vegetable products, maple products, honey, tobacco and other natural products of agriculture and of the forest, sea, lake or river, together with any article of food and drink manufactured or derived therefrom and which is designated as a natural product by the Lieutenant Governor in Council. It will be seen that the definition is substantially similar to that enacted under the Nova Scotia legislation with the exception of animals and meats but with the inclusion of tobacco.

The legislation authorizes regulations generally similar to those authorized under the Nova Scotia statute, and includes the establishment of grades for various products, regulations respecting packaging, inspection, marking, shipping, advertising, etc., the appointment of inspectors and their powers. Amongst the various regulations which have been made under this legislation are regulations respecting apples with the designation of grades and grade standards and requirements for packaging, marking and other matters relevant to the marketing and sale of apples in the province.

The other relevant statute is The Natural Products Control Act. This is essentially a marketing act and establishes a board known as the "Natural Products Control Board". This Board is authorized to deal with disputes between processors, producers, distributors, to investigate costs, to fix prices to be paid to primary producers, to establish local boards and to do such other matters as are necessary for the regulation and control of the marketing of natural products within the province.

Province of Quebec

The Agricultural Products Act, 1925, as amended, of this province, is, as in the case of the other provinces which have been dealt with, insofar as the present subject is concerned, essentially a marketing and sales act. It also defines an agricultural product to mean any produce of animal or vegetable origin with the exception of canned foods and aquatic animals.

The Lieutenant Governor in Council is authorized to designate products which shall be subject to the application of the legislation, to regulate the sale of such products within the province, and to prescribe grades, including definition, composition and denomination of such grades. Authority is given respecting containers, marketing and marking and other matters necessarily incidental to the sale of agricultural products as so defined and designated within the province.

Under this legislation it may be appropriate to discuss particular regulations that have been made respecting maple products. In the discussion of The Maple Products Industry Act of Canada, reference was made to special regulations enacted under provincial law in the province of Quebec. These regulations have been enacted under the statute in question and provide both detailed and extensive regulations for the marketing and sale of maple products in that province. The regulations establish grade standards which are generally comparable to the grade standards under the federal Regulations. These grades, as established under the provincial Act, are "Canada Fancy AA", "Canada Light A", Canada Medium B", "Canada Amber C", and "Canada Dark B".

Province of Ontario

The Farm Products Grades and Sales Act of Ontario is reproduced, together with certain of the regulations thereunder, as representative of the kind of legislation and of regulations generally made respecting fruit and vegetable products. While all of the regulations have not been reproduced, there have been selected therefrom those which relate to general matters, such as licensing, packaging, marking, etc. Regulations which fix standards for particular commodities, such as fruits and vegetables, are not reproduced. An index to the regulations is reproduced for the purpose of illustrating the detailed subject matter of the regulations.

Because the subject of honey is particularly dealt with in this legislation and there have been enacted under it special regulations establishing grades and other matters for honey, these regulations are reproduced in full. The purpose of reproducing these regulations in detail is in order to give a comprehensive picture of provincial legislation respecting honey, and which in some form or other is dealt with by legislation in the majority of the provinces. It moreover will serve to complement the treatment of this subject as is dealt with in the federal "Fruit, Vegetables and Honey Act".

The Provinces of Manitoba, Saskatchewan, Alberta and British Columbia

The statutes which are applicable in these provinces are sufficiently identical to warrant their being discussed jointly. These statutes, it will be observed, are, by their subject matter, limited to vegetables, fruits, and in the case of two, include honey. They authorize the Lieutenant Governor in Council to make regulations classifying and establishing grades for the subject matter of the legislation, for the inspection, grading, packaging, packing, marketing, shipping, advertising and selling of fruit and vegetable products; for the registration and licensing of brokers, commission agents, dealers and packers. The legislation also makes provision for the appointment of inspectors and their powers and a number of other matters that are necessarily involved in administering the legislation. As regards these

matters, they are generally comparable to those contained in the other statutes mentioned and which have been described in some detail. It is, therefore, unnecessary to recapitulate further their provisions or the authority which they provide.

This, together with the reproduction of the text of the Ontario Farm Products Grades and Sales Act, and certain of the regulations thereunder, concludes the explanatory portion of this subject.

Health Legislation

Constitutionally, matters pertaining to public health come within the phrase "Property and Civil Rights in the Province", under Section 92(13) of the British North America Act, and therefore, exclusively within provincial jurisdiction.

Each of the provinces has, pursuant to this authority, enacted legislation respecting public health under which there is made regulations which deal with various matters involved in the manufacture or distribution of food.

Each of the provinces has a provincial department of health which administers whatever public health legislation may have been enacted. This legislation is, as a rule, in the nature of an omnibus statute, in that it covers a wide variety of matters relating to public health extending from communicable diseases to the inspection of food processing, or vending places. The general scheme that is employed in this legislation is to authorize regulations being made by the Lieutenant Governor in Council of the province, respecting matters which may directly or indirectly relate to public health.

It follows, of course, that matters relating to the production, manufacture and sale of food from the point of view of sanitation and health, come within the purview of such enactments.

The legislation which is so made in the form of regulations, does not, as a rule, deal with the production of food from the point of view of standards, packaging or labelling, although, in certain cases, it may indirectly do so. This, perhaps, is particularly illustrated in the case of margarine or where a standard for the butterfat content of fluid milk may be fixed.

In general, however, the legislation leaves to the provisions of the Food and Drugs Act, all matters of labelling, packaging and the requirements for prescribed constituents.

By regulations under the public health acts of the various provinces, there may be provided regulations respecting the licensing and control of slaughter houses, the operation of bake shops, dairies, restaurants, and other places where food is prepared or sold. Such regulations may also deal with the holding of cheese for a designated period after manufacture, or control of frozen locker plants where food is kept.

In some provinces, this latter may be dealt with by separate legislation, and it is necessary to consult the Table of Statutes to ascertain whether there is a special statute respecting locker plants, or whether this may be done by a public health regulation. For an example of a provincial statute of this kind, see Miscellaneous Legislation Part VI.

While the provincial regulations pertaining to public health and concerning food, are by no means uniform, it is possible to produce, as sufficiently representative and illustrative of the treatment usually given, the regulations of the province of Alberta, made under the authority of the Public Health Act of that province. There is, accordingly, reproduced in Part VI, under the heading "Health Legislation", a portion of the text of the Public Health Act and the text of regulations made under the authority thereof which concern—

Bake Shops
Canned Meat or Canned Food Products,
Food and Drink
Horse Meat, and
Restaurants

Live Stock and Live Stock Products Legislation

The provinces of Prince Edward Island, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia, respectively, have legislation concerned with the inspection, grading and marketing of live stock and live stock products which is intended to complement the federal Live Stock and Live Stock Products Act.

In the other provinces there is no legislation specifically designated as being limited to live stock and live stock products, but there is legislation relating to agricultural or to natural products which from the definition that is given to an agricultural or a natural product, may be wide enough to cover live stock and live stock products. Such products are, in general, defined so as to include any product of agricultural or of the forest, sea, lake or river, amongst other things, and subject to the purpose of such legislation, undoubtedly would include the matters which, under the live stock and live stock products legislation, are defined as "live stock and live stock products".

It would be necessary, however, to look specifically at this type of legislation for any particular commodity or subject, and to see the extent to which it may have been dealt with by regulation thereunder. This class of legislation is also discussed under the heading of "Fruit and Vegetable Grading and Sales Legislation", as well as under the heading "Marketing Legislation".

The legislation in the provinces which do not have specific live stock products legislation, in defining either an agricultural or a natural product as the case may be, provides for matters of inspection, grading and marketing, which, in turn, may permit of regulations which would deal specifically with live stock and live stock products.

Under the heading of Live Stock and Live Stock Products Legislation, in Part VI, there is reproduced the text of the Ontario Live Stock and Live Stock Products Act. This statute is selected as one that is sufficiently illustrative or representative of this type of legislation as it is enacted in the other provinces mentioned that have such specific legislation.

It may be appropriate, however, to mention that the definitions of "live stock" and "live stock products" as contained in the Ontario Act may differ slightly from the comparable definitions as contained in the other provincial statutes. Such differences extend to the inclusion or otherwise of such things as bees, honey, raw furs, fur-bearing animals raised in captivity, and, surprisingly, hay and cordwood.

The titles to the statutes of the provinces named which deal with live stock and live stock products are set forth both in the Table of Statutes, as well as in the Explanatory Notes to Statutes in Part VI.

The situation in the provinces of Prince Edward Island and of British Columbia as regards the subject, differs from that in the other provinces named. The statutes in force in these provinces merely enact by reference the provisions of the federal Live Stock and Live Stock Products Act which are within the legislative authority of the province, and outside that of the Dominion. Similarly, provision is made as regards amendments to the federal Act and the regulations thereunder.

It might also be mentioned that under the provisions of the Beef Grading Act of the province of British Columbia, all beef sold in the area designated as greater Vancouver, must be graded. The grading is done by federal inspectors who are designated under the provincial Act and the grades corresponding to the grades which are specified in the federal Act.

In considering fully the subject of live stock and live stock products, the marketing legislation, as well as fruit and vegetable grading and sales legislation, as dealt with in this chapter, and the texts of the statutes concerned therewith, which are reproduced in Part VI, should not be overlooked.

For detailed information, however, respecting either that subject or any particular commodity that may be included therein, it will be necessary to consult the text of the statute of the province in question, and, of course, having particular regard to the purpose of the provincial legislation as it may be expressed or implied.

The above, in conjunction with the text of the Ontario statute that is reproduced in Part VI, together with the Explanatory Notes to Statutes in that Part, should sufficiently explain the position of this subject as it is, or may be dealt with by provincial legislation.

Margarine Legislation

In Chapter 2, the constitutional position respecting the manufacture and sale of margarine in Canada was fully discussed in connection with the decision of the Privy Council in the *Margarine Reference* case. Following the decision in that case when the manufacture and sale of margarine was legalized it might have been appropriate for margarine as a food, to have been made subject to special regulations under the provisions of the Food and Drugs Act. This, however, was not done, and margarine, as a food, is subject to the general provisions of the Food and Drugs Act only, but not to any special regulations thereunder.

As has been earlier pointed out, however, each of the provinces have, by legislation, dealt with the subject of the manufacture and sale of margarine, either in a positive way by prescribing its constituents and other matters involved in its manufacture, or by prohibiting its manufacture and sale. For convenience, the provinces that have prohibited the manufacture and sale will be dealt with first.

Section 3 of The Dairy Industry Act of the province of Prince Edward Island prohibits the manufacture or sale of margarine in the province. The legislation makes provision for seizure and confiscation of margarine, and imposes penalties for violations of the Act.

The other province which prohibits the manufacture and sale of margarine is the province of Quebec. The prohibition is contained in a regulation made pursuant to "An Act to Protect the Dairy Industry in the Province". The statute itself somewhat elaborately recites that the prohibition is necessary for the protection of the dairy industry as an indispensable basis of the welfare and the prosperity of agriculture in the province.

All of the other provinces, however, specifically permit the manufacture and sale of margarine, and each has enacted legislation dealing with the subject.

At the time of writing (May, 1952), only two of the provinces permit the sale of coloured margarine. These respectively are the provinces of Newfoundland and British Columbia. In the other provinces, there is such a limitation on the amount of colour that may be used in the manufacture of margarine, that the amount may be considered negligible. For practical purposes, all of the provinces, with the exception of the two named which permit the sale of margarine, do not permit the sale of coloured margarine. The usual devices, however, such as the inclusion in the package of a tablet of colouring material, the self-contained cellophane bag, etc., are employed to assist the consumer in colouring margarine to the desired appearance.

Apart from the question of colour, there is a general similarity between the various Margarine Acts which permit its sale. In Part VI, there are reproduced the texts of the Margarine Act of the province of Saskatchewan and the regulations thereunder.

Under the provincial legislation, a standard for margarine is fixed, in that its sale is prohibited, except under certain conditions which require a minimum fat or oil content of 80%, a limitation of moisture content of not more than 16% and a stipulated addition of synthetic vitamins. These conditions are either contained in the legislation or in regulations made under it. In Manitoba and New Brunswick, for example, the constituents and proportions are fixed in the Act.

In Saskatchewan, however, it will be seen that the constituents are established in the regulations.

In Newfoundland, the constituents are prescribed by regulation under the Food and Drugs Act of that province.

The provisions respecting the constituents are the same in all of the provinces that permit the manufacture and sale whether established by the Act or the regulations. Where established by regulations, it may be considered that there is somewhat more flexibility in altering the constituents than would be the case where an amendment to the Act itself is required.

Marketing Legislation

In discussing the subject of Fruit and Vegetables Grading and Sales Legislation and Live Stock and Live Stock Products Legislation, reference was made to provincial legislation concerned with the marketing of natural or agricultural products.

It will be seen from the Table of Statutes that the provinces have respectively enacted legislation to deal with the marketing of such products and this may either be in addition to particular statutes

concerned with commodities or products such as are included within the subject of live stock and live stock products or fruit and vegetables or may be within those items as they may be included by virtue of the definition given to an agricultural or a natural product.

This has been sufficiently discussed under the headings in question. It may, however, be useful to comment further with the marketing type of live stock in order to complete the explanation which is necessarily involved in considering statutes either of federal or provincial character concerned with agriculture.

While it is not necessary for this explanation to go into the legal or constitutional position of the marketing acts, it is necessary to make some brief reference to this side of the discussion.

In 1934 there was enacted by the Parliament of Canada, an Act known as "The Natural Products Marketing Act" which by decision of the Judicial Committee of the Privy Council in *Attorney General of B.C. v. Attorney General of Can.* (Reference re Natural Products Marketing Act, 1934), 1937 A.C. 377; 1937, 1 D.L.R. 691: was held to be *ultra vires*. The Act was held invalid on the basis that it covered transactions which were completed within one province and therefore purported to deal with the subject of property and civil rights within a province, and thus was an invasion of the provincial jurisdiction under 92(13) of the British North America Act, which gives to the province, exclusive jurisdiction respecting "Property and Civil Rights in the Province".

There had also been enacted provincial laws dealing with the marketing of natural products and these statutes also came in for judicial scrutiny as regards provisions which sought to extend their operation to transactions which were not completed wholly within a province. This class of legislation was also held to be *ultra vires* of the powers of a province. In this connection see Shannon Lower Mainland Dairy Products Board 1938, A.C. 708, 1938, 4 D.L.R. 81; reference re Natural Products Marketing (B.C.) Act 1937, 4 D.L.R. 298; 1937 3 W.W.R. 273, *Hayward v. B.C. Lower Mainland Dairy Products Board* 1937, 2 W.W.R. 401.

The above, of course, do not constitute the only judicial decisions on the validity or otherwise of this kind of legislation, but are sufficient to provide a necessary introduction to that branch of the law to anyone who desires to follow up this subject.

On the basis of the decisions, it was clearly established that provincial legislation under the guise of "Property and Civil Rights in the Province", could only be valid provided it was limited to matters wholly within the province and did not interfere with inter-provincial and export trade in natural products.

In Part VI there is reproduced the text of the Manitoba Natural Products Marketing Act which is representative of the kind of marketing legislation that has been enacted by the provinces in this connection. In addition to this statute, reference may also be had to the marketing acts that have been enacted in the Maritime Provinces, and which also deal with the subject of natural or agricultural products, both from an inspection and grading point of view, as well as from the point of view of marketing.

In 1949 there was enacted by the Parliament of Canada, an Act known as the "Agricultural Products Marketing Act", being Chapter 16 of the statutes of Canada of that year. R.S.C. 1952, c. 6. In the preamble to this Act, it was recited as follows:

"WHEREAS it is desirable to improve the methods and practices of marketing agricultural products of Canada; and whereas the legislatures of several of the provinces have enacted legislation respecting the marketing of agricultural products locally within the province; and whereas it is desirable to co-operate with the provinces and to enact a measure respecting the marketing of agricultural products in interprovincial and export trade."

The text of this Act which is very short, is likewise reproduced in Part VI, in addition to the text of the Manitoba Natural Products Marketing Act. It is considered appropriate to group these two statutes together, even though one is a federal statute. Its purpose as set forth in the preamble is obviously to complement or supplement provincial legislation of that kind, and therefore makes it proper that it should be considered along with a representative provincial statute.

It may be opportune to mention that the validity of the federal statute was impugned in a case arising in the province of Prince Edward Island, and involving the Prince Edward Island Potato Marketing Board. In that case the Supreme Court of Prince Edward Island held that the federal statute was *ultra vires* on the ground that the federal government could not delegate to provincial governments, powers which were conferred upon it by the British North America Act. On this point see *Attorney General for Nova Scotia v. Attorney General for Canada* 1950, 4 D.L.R. 369.

From the decision involving the Agricultural Products Marketing Act, an appeal was taken to the Supreme Court of Canada, and at the time of writing (May, 1952) is pending before that Court.

It will be appreciated that the subject of agricultural or natural products marketing, either at the federal or the provincial level, involves matters which are not directly related to the essential purpose of this compilation, and any adequate consideration or review of marketing legislation would require much fuller treatment than is possible in a discussion of the food and drug laws of Canada as they are dealt with in this book. On the other hand, it is considered that sufficient reference must be made to the marketing type of legislation to indicate its presence and possible importance to anyone who is concerned with that branch of the statute law.

Miscellaneous Legislation

So far as possible the relevant provincial legislation has been brought within the discussion under one or other of the subject headings that have been dealt with.

There are, however, in addition to the statutes so mentioned or discussed, other provincial statutes which present features of interest and which ought also to be mentioned.

There are set forth under the heading of Miscellaneous Legislation in Part VI the texts of certain of these statutes which are either of a representative kind or are individual to a province. Even where a statute is of a representative kind it will be obvious that the text, as well as the exact scope, intent and purpose of the acts, may vary

as between provinces. The reader would need, therefore, to refer to the text of the law of a particular province for details of the legislation. The following is a list of the statutes so reproduced:

Drugs

The Narcotic Drug Addicts Act (Nova Scotia)

Food

The Uniform Weight of Bread Act (Prince Edward Island)

The Lobster Canneries Act (Prince Edward Island)

The Prince Edward Island Potato Act (Prince Edward Island)

The Oyster Fisheries Act (New Brunswick)

Canned Foods Act (Quebec)

Food Products Minimum Loss Act (Manitoba)

Frozen Food Locker Act (Saskatchewan)

The Live Stock Diseases Act (Alberta)

Poultry and Poultry Products Act (British Columbia)

Drugs

Dealing firstly with drugs, legislation of the kind contained in the Narcotic Drug Addicts Act of Nova Scotia is also in force in the province of Manitoba.

Food

Each of the provinces has legislation respecting the weight of loaves of bread, matters of sanitation in bakeshops, etc. The Uniform Weight of Bread Act, therefore, is a representative statute of the kind that would ordinarily be found in provincial legislation in dealing with bread.

The Lobster Canneries Act (Prince Edward Island) and the Potato Act of that province are rather individual to the province or to a province which is concerned with the canning of lobster or the commercial production of potatoes.

These statutes, therefore, would have no direct relevancy to provinces which are not concerned with such subjects as, for example, the Prairie Provinces.

The Canned Foods Act of the province of Quebec is reproduced with the regulations. This is legislation individual to that province, but is important because it attempts to deal from the provincial point of view with matters which are dealt with federally under the Processed Fruit and Vegetable Regulations of the Meat and Canned Foods Act.

It is not feasible to discuss on a basis of comparison food standards such as are established under either of these acts and it is therefore considered necessary that the text of the regulations should be reproduced in order that detailed comparisons can be made wherever necessary.

The Food Products Minimum Loss Act of the province of Manitoba is legislation individual to that province. It is interesting legislation as its provisions will indicate.

Obviously it has not been of any recent application in view of rising prices and general income levels. Should, however, there develop a trend towards depressed food prices with the necessity of

even keener competition, the practice of loss leaders which this statute attempts to halt may well be revived. The legislation is therefore considered of sufficient interest to justify reproduction, even though it has no counterpart in other provinces.

The Frozen Food Locker Act of the province of Saskatchewan is to some extent representative legislation, as the examination of the Table of Statutes and of the Explanatory Notes to Provincial Statutes will show. In some provinces the subject is dealt with by regulations under the Health Act.

The Live Stock Diseases Act of the province of Alberta is representative legislation. With the recent outbreak of foot and mouth disease in the province of Saskatchewan, legislation concerned with contagious diseases in live stock becomes of great importance and therefore justifies the reproduction of this statute, even though it deals with Bangs Disease rather than foot and mouth disease.

The Poultry and Poultry Products Act of British Columbia is reproduced as representative legislation in that a number of provinces have legislation concerned with the grading, packing and shipping of poultry and poultry products.

This concludes the discussion of the statutes which are reproduced under the heading of Miscellaneous Legislation.

There remains, however, a further statute which ought to be mentioned with some explanation, even though it is not considered necessary to reproduce it. This is the Food and Drugs Act of the province of Newfoundland. This would from its title and to some extent from its subject matter seem to conflict with or overlap the federal Food and Drugs Act.

Prior to Confederation of Newfoundland with Canada on April 1, 1949, Newfoundland was a crown colony. It was administered at that time by a commission of government consisting of a Governor and a number of Commissioners appointed by His Majesty the King. Subject to the authority which was conferred on the Commission of Government, it had power to make its own laws and included in these was a Food and Drugs Act.

The Food and Drugs Act as it existed prior to Confederation was modelled along the lines of comparable English legislation, and in addition, contained a number of provisions which ordinarily would be found in a provincial act relating to public health.

After Confederation with Canada, the Newfoundland authorities decided that for the time being, and pending some rearrangement and review of the provincial Food and Drugs Act, that the federal Food and Drugs Act should not be brought into force in the province, and that the provincial act should continue to apply to the subject.

In due course, the provincial act was amended by removing therefrom matters which would be covered by the federal Food and Drugs Act and the legislation was substantially limited to sanitation, inspection, licensing, etc., such as is normally covered by regulations under the provincial health act.

The Act, however, was re-enacted under the title of the Food and Drugs Act.

In concluding the discussion of Miscellaneous Legislation, some reference should be made to by-laws and ordinances enacted by cities and municipalities under authority conferred in their corporate powers. The municipal acts of the various provinces authorize the establishment of municipal divisions of the province, and confer powers on the municipal authorities to make by-laws respecting things which are considered necessary in the administration of the affairs of the municipality.

These by-laws as a rule, deal with matters of licensing of trades and businesses, the fixing of hours of sale, matters of sanitation, inspection of slaughter houses, bakeries, dairies, restaurants, etc. They may involve the inspection of buildings, the issue of permits as to suitability of a building for a particular purpose, and other matters which are directly or indirectly related to the subject of food and drugs.

It is recognized that the type of law which is contained in a municipal by-law or ordinance is far removed from the type of condition or requirement respecting the manufacture and sale of a food or drug that is discussed in this compilation. Nevertheless, a discussion of the laws as they relate to food and drugs should not overlook either the presence or the importance of local by-laws and ordinances and the reader is accordingly alerted to their existence and to the necessity of taking into account such matters as are dealt with thereby in connection with a particular problem.

Provincial Pharmacy Legislation

In the absence of some explanation, the apparent conflict or overlapping between federal and provincial legislation respecting the handling and sale of drugs and medicinal preparations will be confusing.

The Proprietary and Patent Medicines Act and the Opium and Narcotic Drug Act have been dealt with in Chapter 3 of this part, and the Food and Drugs Act is discussed in Part II. These statutes, however, by no means deal exhaustively with the handling and sale of drugs in Canada, because in addition to them each province has legislation respecting the practice of pharmacy, which includes special provisions regulating the handling and sale of drugs in the province. While it will be necessary to look at each pharmacy act for the detailed provisions applicable to the practice of pharmacy and the handling and sale of drugs in the province, the legislation forms sufficient of a pattern to permit of general explanation as to its object and purpose as well as the legislative technique which is employed.

Constitutionally, matters pertaining to the regulation of a trade or profession are considered to come within the phrase, "Property and Civil Rights in the Province" as used in Section 92(13) of the British North America Act. The pharmacy legislation is, therefore, concerned with the establishment of appropriate standards of qualification for those who are authorized to practise the profession of pharmacy and to provide for the registration and licensing of pharmaceutical chemists, as well as with the sale of drugs by authorized persons.

The legislation invariably establishes a Board or Council, to act as the licensing body to prescribe the standards of eligibility to practise pharmacy and other matters necessary for the licensing and regu-

lation of a trade or profession. The legislation also makes provision respecting the handling and sale of drugs by delegating this, with certain exceptions, exclusively to the pharmaceutical profession. In addition to delegating to pharmaceutical chemists authority to handle drugs, the legislation as a rule includes special provisions on the handling of drugs in accordance with their classification, therapeutic use and dangers which may be associated with their administration.

While there is federal legislation respecting drugs including some restrictions with respect to their sale it is likewise competent for provincial legislation to impose conditions on the sale of drugs in the province.

To the extent that the conditions of the provincial law and the federal law are identical, then the federal conditions would prevail and the provincial conditions would be inoperative, but not necessarily invalid. To the extent, of course, that provincial conditions do not cover the same field as the federal conditions or do not contradict or conflict with federal conditions, then the provincial conditions are operative. An examination of provincial legislation, however, will reveal instances where there is no question but that the provincial conditions do occupy part, at least, of the field occupied by the federal requirements and to that extent they may be considered to be inoperative.

It may be helpful to discuss broadly the way in which the provincial legislation deals with these conditions of sale, even though it is not uniformly done as between all the provinces.

It is usual for the legislation to segregate drugs into four groups with each group being subject to special requirements as to the handling and sale of the commodities therein mentioned. With the exception of the drugs which are included in the first group it will be understood that drugs in the provinces can only be handled insofar as the public are concerned, by registered pharmaceutical chemists or retail druggists, as they will be referred to. The following are the four groups:

Group 1

Drugs which may be sold by other than only retail druggists. Included in this group are such commodities as aspirin, castor oil, Epsom salts, iodine, etc.

Group 2

Drugs which may be sold only on prescription of a person qualified by provincial law to prescribe drugs, e.g., doctor, dentist, veterinary surgeon.

It is in this area that there may possibly be duplication or overlapping between federal or provincial requirements in that the federal regulations require a prescription for the sale of drugs mentioned or included in Appendix IV to the Food and Drug regulations, as well as for the drugs mentioned or included in Appendix II, where the dosage of the latter named drugs exceeds the prescribed dosage as set forth in the appendix. The provincial schedules would need to be carefully compared with the federal requirements to determine where there is duplication, overlapping, or perhaps conflict.

Group 3

Drugs which may be sold only to persons who are known to the druggist and in respect of which a register of sale is kept. This must be signed by the purchaser.

The class of drugs which are normally included in this group are dangerous drugs such as poisons, etc., and the register is normally referred to as the Poisons Register.

Group 4

The drugs included in this group constitute the balance of drugs which can only be handled by retail druggists, but in respect of which over-the-counter sale is permitted.

It is not necessary to mention further the situation as it respects narcotic drugs, because the Opium and Narcotic Drug Act is considered to be a complete code for the handling of narcotic drugs in Canada. With the detailed check that is required under that Act, it is not likely that any further conditions of sale would be imposed by provincial law. For practical purposes, it is only the federal law which relates to the handling of narcotic drugs and the mention or listing of narcotic drugs in provincial law is principally by way of identification rather than supplemental control.

There remains in connection with drugs which are dealt with under the pharmacy legislation, those classes of drugs or preparations which are registered under the Proprietary or Patent Medicines Act. Group 1 may include such preparations by reference or the legislation itself may specifically exempt from the requirements of the Act those preparations which are registered and licensed under the federal Act, insofar as their handling is confined to retail druggists. Accordingly, chain notion stores, general stores, amongst others, frequently do handle drugs which are mentioned in Group 1, as well as drugs which are registered under the Proprietary or Patent Medicines Act.

While other federal requirements relating to drugs will be dealt with in Chapter 8, this may be a convenient point to contrast the purpose of the federal requirements with those of the provincial statutes.

Broadly, the federal requirements involve standards for drugs which relate to strength, potency, purity, as well as to labelling and other requirements which are necessary in connection with their use. Apart from the prescription requirements of the federal regulations and except as to individual drugs the federal requirements do not generally impose conditions of sale. In contrast, the provincial requirements do segregate drugs as above outlined in accordance with their subject matters, and for the purpose of imposing conditions of sale as may be required for each category.

While it is, therefore, not the purpose of the provincial laws to come into conflict with any of the subject matter of the federal requirements, this becomes unavoidable in dealing with identical subject matter at two levels of government. As a general rule, the legislation at the provincial levels duplicates rather than conflicts with federal requirements and while it may be inoperative, it is not thereby necessarily bad.

It would, of course, be highly desirable if federal laws and provincial laws respecting the handling and sale of drugs could be so integrated that each could be exclusive as regards its subject matter with no possibility of duplication or hiatus. For practical as well as historical reasons, such uniformity has never been a realizable legislative goal. The chief difficulty, therefore, which arises from the present handling of the subject matter, lies not so much in the possibility of duplication as in the lack of uniformity as between various provincial enactments as their requirements. It is to fill this gap, therefore, that the federal requirements become of particular importance and if complete uniformity were possible as between provincial enactments, then the extent of the federal requirements might be modified.

While the subject is one which can only be fully understood on the basis of an intimate examination of the ten provincial statutes, and the federal statutes, and their regulations, the following portion of an article by Grant L. Kalbfleisch, a Dominion analyst of the Food and Drug Divisions of the Department of National Health and Welfare entitled "Prescription Drug Legislation" which appeared in the February, 1952, issue of the Canadian Pharmaceutical Journal, and reproduced herein by permission of the author, is most helpful and completes the discussion of Pharmacy Legislation:

"The provincial pharmacy acts were introduced by independent pharmaceutical associations at various times during the history of the country, when transportation and communication were not as convenient as they are today, and considering the geography of the country it is not surprising to find that a great many differences exist. Variation in certain provisions of the provincial pharmacy acts is illustrated in the article written by the late A. Linton Davidson entitled "Why not a Uniform Poison Schedule" which appeared in the January 15, 1948, issue of "Drug Merchandising". That article is almost as applicable today as when it was written and anyone interested in Poison Schedules would find the contents extremely useful. Mr. Davidson confined his comments to Poison Schedules and in this article the writer will discuss only prescription drugs.

"In order to understand any legislation it is helpful to have some of the background history. In 1939, the Dominion Council of Health expressed concern over the free sale of potent drugs to the general public and the 1939 Amendment to the Food and Drugs Act gave the Governor in Council power to define the conditions of sale of any drug likely to be injurious to health (section 3(k) of the Food and Drugs Act on Page 2 of the Office Consolidation). The possibility of accomplishing this by requiring a caution to appear on the label was explored with representatives from the pharmaceutical industry but while approving in principle, such modifications were suggested as might have nullified the effects of the plan so that by the end of 1940 this approach had been abandoned.

"In 1941 the Dominion Council of Health again brought up the question and passed the following resolution:

'The Dominion Council of Health assembled at Ottawa, on June 12th, 1941, unanimously desire that the Federal Government pass regulations for control and distribution of the following drugs:

Aminopyrin, its salts and derivatives.

Barbituric Acid, its compounds and derivatives; any ureide possessing a distinctly hypnotic action.

Benzedrine and its salts.

Cinchophen and Neocinchophen.

Ortho-dinitrophenol, its compounds, homologues and derivatives.

Sulphanilamide (para-amino benzene sulphonamide), its salts and derivatives.

Sulphapyridine, Sulphathiazole and their salts.

Thyroid, thyroxin and its salts;

and intend to urge that such regulations be readily accepted by the Pharmaceutical groups in their respective provinces';

"Accordingly an order in council (P.C. 8443, October 31, 1941) was passed prohibiting the sale except on individual prescriptions to the general public for human internal use of aminopyrine, barbiturates, amphetamine except inhalers. (The exception for inhalers was removed in April 1943.) Cinchopen, neocinchopen, phenytoin sodium, dinitrophenols, sulphonamides, thyroid and thyroxin. Because of certain practices reported regarding veterinary medicines and external preparations in March, 1944, a further restriction was necessary and an order in council (P.C. 2194, March 27, 1944) was passed which revised the phraseology to 'for internal or external use by man or animal'. In 1946 the Food and Drugs Act was again amended and section 3(kk) was added which gave the Governor in Council authority to define the conditions of sale of any drug in the interest and for the protection of the public health. Those antibiotics which are now listed in Appendix IV of the Food and Drug Regulations were added under this authority.

"As described above the authority for restricting the sale of certain drugs to the prescription requirement is contained in section 3(k) and 3(kk) of the Food and Drugs Act. In 1949 the regulations were reorganized so that the sections of the regulations which now refer to Appendix IV are sections C.01.043 and C.01.044 which read as follows: (See however present regulations as set out in Part IV of this book for changes since this article was published)

C.01.043. No person shall sell a drug or preparation containing a drug named or included in Appendix IV except on prescription, nor shall any person refill such a prescription unless the prescriber thereof so directs in writing thereon.

C.01.044. Notwithstanding the provisions of C.01.043 a drug or a preparation containing a drug named or included in Appendix IV may be sold without a prescription to a

(a) drug manufacturer, or

if the upper left quarter of the main panel of both the inner and the outer labels of every package thereof carries, legibly and conspicuously, the letters 'Pr' in reverse type on a square background to a

(a) physician,

(c) dentist,

(d) veterinary surgeon,

(e) wholesale druggist, or

(f) registered pharmacist.

"In addition the term prescription is defined in section A.02.016 as follows:

A.02.016. 'prescription' means a written order issued and signed by any person authorized to treat patients with drugs in any province of Canada directing the dispensing of a stated amount of any drug or mixture of drugs to the patient named in such order;

"The exemptions for veterinary sale will not be discussed in this article.

"A comparison of the prescription lists of the various provincial pharmacy acts using Appendix IV of the Food and Drug Regulations as the basis for comparison is presented in Table I. Since the Pharmacy Acts of Alberta, Quebec, New Brunswick and Newfoundland do not limit the sale of any drugs to prescriptions they do not appear in this Table.

The copy of the British Columbia Pharmacy Act which was examined, together with the notices of amendments which have appeared in the pharmaceutical press indicate that at the present time the British Columbia Pharmacy Act carries entries identical with Appendix IV except for adrenocorticotrophic hormone and cortisone which were added to Appendix IV only recently. The Saskatchewan Act does not include a number of the entries which appear in Appendix IV and in addition a number of other differences are noted. For example with regard to the aminopyrine, barbituric acid and sulphonamide entries, the Saskatchewan Act does not include homologues of these drugs and derivatives of penicillin are not included in that entry. Phenytoin Sodium is represented by Dilantin Sodium which is a brand name for that drug. The classification 'Beta-amino-propylbenzene and its salts and derivatives, including isomyn, amphetamine, benzedrine, methedrine, pervitin and their salts' is sufficiently broad as to include other compounds than the corresponding entries in Appendix IV.

"The Manitoba prescription list does not include any of the drugs which are listed in Appendix IV with the exception of pentobarbital sodium which represents a portion of the corresponding entry under the barbituric acid series in Appendix IV. The Ontario prescription list includes only three of the entries of Appendix IV and for the aminopyrine and barbituric acid series there are dosage provisions which result in only partial coverage of the Appendix IV entries.

"The Nova Scotia prescription list includes 'cinchophen and chemically related compounds' which could include more than the corresponding entry in Appendix IV and pentobarbitone and its compounds and preparations are the only representatives of the barbituric acid series of Appendix IV which are included. Otherwise the entries are similar to Appendix IV except that a number of Appendix IV entries are not included.

"The P.E.I. prescription list includes the following entry 'penicillin, streptomycin and all other antibiotics except as provided by the Food and Drugs Act of Canada' which includes more than the corresponding entries in Appendix IV and the barbitones and pentobarbitones are the only representatives of the barbituric acid series which are included. Otherwise the entries are similar to Appendix IV except that a number of Appendix IV entries are not included.

"One of the conclusions which may be drawn from this discussion on the types of entries in prescription lists is that it is often very difficult to be specific. The variations shown are not intended as criticisms but are intended to emphasize the care which must be taken in making additions to lists. Additions of groups of compounds can be too inclusive and Appendix IV has been revised on occasion for that reason.

"Table II consists of a list of the drugs which appear in the various provincial prescription lists which are not included in either Appendix IV or in the Schedule of the Opium and Narcotic Drug Act. This material is presented on a comparative basis by provinces.

"In a number of the pharmacy acts, drugs which are listed in Appendix IV appear in other/poison lists. It would seem that the intention is to have the Food and Drugs Act apply and in addition to require the labelling and specified conditions of sale. For example in the P.E.I. Act, Part III of Schedule A provides that phenobarbital may be sold only by a registered pharmacist. In Nova Scotia the same situation exists for 'barbitone, phenobarbitone and other compounds of barbituric acid and their preparations'.

"The New Brunswick Pharmacy Act includes many of the drugs listed in Appendix IV in Part I of Schedule A, which provides that they may be sold by pharmacists providing that they are properly labelled as poisons, that the buyer is known and that a suitable record is kept. The Ontario Act does not list any Appendix IV drugs in other than Schedule D but does

provide for the sale of one-half of one grain amounts of the aminopyrine and barbituric acid series when in combination with British Pharmacopoeia doses of drugs. In the Manitoba Act all of the barbiturates except Pentobarbital Sodium are listed in Part II of Schedule A as poisons which may be sold to persons known to the chemist providing they are properly labelled and the sale properly recorded, while in the Alberta Act 'dinitrophenol and preparations thereof' is listed in Part 2 of Schedule I requiring poison labelling and sale to a person known to the seller.

"In the above analysis, possibly not all of the differences have been noted, but enough have been mentioned to illustrate that prescription lists, where they do exist do not parallel Appendix IV except in British Columbia. It is also interesting to note that only two Pharmacy Acts carry a definition of a prescription, these being the Acts of British Columbia and Alberta, and that these do not correspond to the definition in the Food and Drug Regulations. The Ontario Act does state in Section 33, subsection (1) that a prescription must be signed by a legally qualified medical practitioner, dentist or veterinary surgeon and the Saskatchewan Act in Section 41, subsection (1) also specifies a 'written' prescription.

"From the point of view of enforcement of prescription legislation in the provinces having prescription lists in their Pharmacy Acts, both the federal and provincial authorities would appear to be concerned. In any province where the drugs in question are listed in both the provincial and federal legislation, action could be taken under the Food and Drugs Act or under the Provincial Pharmacy Act. In British Columbia for example, any infraction of the federal prescription legislation is also a violation of the provincial legislation. The same idea would appear to apply to the enforcement in the other provinces to the extent that the respective provincial prescription lists and legislation correspond to the federal legislation."

TABLE I.
A COMPARISON OF THE FEDERAL AND PROVINCIAL
PRESCRIPTION LISTS

NOTE: The Alberta, Quebec, New Brunswick and Newfoundland† Pharmacy Acts do not have prescription lists.

	B.C.	Sask.	Man.	Ont.	N.S.	P.E.I.
Aminopyrine and any salt, homologue, or derivative thereof	R	P	O	P	O	O
Amphetamine and any salt thereof	R	R*	O	O	O	O
Aureomycin and any salt or derivative thereof	R	O	O	O	O	R*
Barbituric Acid and any salt, homologue, or derivative thereof	R	P	P	P	P	P
Cinchophen and Neocinchophen	R	R	O	O	R*	O
d-desoxyephedrine and any salt thereof includes Methedrine and Pervitin	R	R*	O	O	O	O
Ortho-dinitrophenol and any compound, homologue or derivative thereof	R	R	O	O	R	O
Penicillin, its salts or derivatives, or preparations thereof, excluding preparations for oral use that contain not more than 3,000 International Units per dose	R	P	O	O	O	R*
Phenytoin Sodium	R	P	O	O	O	O
Streptomycin and any compound thereof	R	R	O	O	O	R*
Sulphonamides and any salt, homologue, or derivative thereof	R	P	O	R	R	R
Tetraethylthiuram disulphide	R	R	O	O	O	O
Thiouracil and any homologue, or derivative thereof	R	O	O	O	O	O
Thyroid	R	R	O	O	O	R
Thyroxin and any salt thereof	R	R	O	O	O	R
Urethane	R	O	O	O	O	O
Adrenocorticotrophic Hormone Cortisone	These very recent additions to Appendix IV do not appear in any schedules.					

LEGEND: R Similar to Appendix IV

R* Includes more than Appendix IV

P Includes part of Appendix IV entry

O Not included

† While the Newfoundland Pharmacy Act does not contain a prescription list, the Newfoundland Health and Public Welfare Act lists various narcotic drugs and

chloral hydrate, barbituric acid, sulphas and ergot and their salts, derivatives and preparations except ointments for external use as prescription drugs.

TABLE II

ADDITIONAL DRUGS LISTED IN PROVINCIAL PRESCRIPTION
LISTS(Excluding Drugs Listed in Appendix IV or covered by the
Opium and Narcotic Drug Act).

	B.C.	Sask.	Man.	N.S.	P.E.I.
Apiol	X	X (and compounds thereof)	X		X (and its prepara- tions)
Atropine	X (and its salts and prepara- tions thereof)	X (and its salts and prepara- tions thereof)	X (and its salts and prepara- tions)		
Bromoform	X	X			
Butyl Chloral Hydrate	X	X	X		
Chloral Hydrate	X	X	X		
Cotton Root		X			
Emetine	X				
Ergot	X (and alkaloids and prepa- rations thereof)	X (fluid extract and alkaloids thereof)	X (fluid extract thereof)	X (and its prepara- tions)	X (and its prepara- tions)
Hydrocyanic Acid	X		X		
Hyoscine	X (and prepara- tions thereof)	X	X		
Hyoscyamus	X (and prepara- tions thereof)	X (and its prepara- tions)	X (and its prepara- tions)		
Nitroglycerine	X	X	X		
Paraldehyde	X				
Scopolamine (see Hyoscine)					
Sparteine			X (and prepara- tions or admixtures thereof)		
Strophanthus	X (and prepara- tions thereof)		X (and prepara- tions or admixtures thereof)		
Yohimba	X (alkaloids and prepara- tions thereof)				

X Indicates that the drug is listed with the further restriction
shown in brackets (if any)

Conclusion

The above concludes the discussion on related provincial laws. It will be recognized that there are many matters involved in the legislative treatment by ten different provinces of a subject as vast and complicated as that respecting the manufacture, distribution and sale of food and drugs, that cannot possibly have been discussed in this chapter or even mentioned. It is hoped, however, that the discussion has put into some degree of focus the provincial treatment of the subject matter in relation to the comparable treatment at the federal level.

It is not suggested that all of the laws of Canada either at the federal or provincial levels have been worked out on the basis of prior discussion, and with a view to complete integration of subject, purpose and effort. It is inevitable in a federal system, with a division of powers and responsibilities such as provided under the Canadian constitution, that there will be found duplication of purpose as well as overlapping or conflict of jurisdiction.

Generally speaking, however, the laws have been developed and are administered in the greatest harmony. The titles of the various constitutional decisions indicating a contest between the federal and provincial governments are misleading. They would suggest that conflict does exist between the authorities of a province and of Canada. It does sometimes happen that a provincial authority would challenge the constitutionality of a federal enactment or vice versa. In a number of decisions, however, the constitutional decision has first been challenged by a private party and the legal authorities of the province and of the Government of Canada are brought in through the constitutional issue being so raised. An example of this lies in the case presently before the Supreme Court of Canada involving the validity of the Agricultural Products Marketing Act which arose through the validity of a provincial made Potato Marketing Board being challenged in private litigation.

It will be quite obvious from what has been said in Chapter 2 as well as in other chapters, that there still remain wide areas of doubt as to the validity or otherwise of certain provincial, as well perhaps, of federal enactments. Because of the decision in the *Margarine Reference* case, there is some likelihood that federal legislation of a similar character or purpose will, in due course, receive scrutiny and wherever it may be open to doubt or argument, suitable measures will be devised to put it on a firm constitutional foundation.

In the case of provincial enactments, however, a more complicated situation exists in that there are ten governments involved and the extent to which attention may be given to a particular piece of legislation must depend upon its importance, the urgency of the situation or whether or not it has been directly challenged.

Accordingly, there is less hope that the respective provincial laws will be brought into any degree of substantial harmony or of uniformity.

This all adds to the difficulty and complication of rationalizing the legal requirements at the various levels of government and to anyone who is not familiar with the legal and constitutional situation in Canada, the picture may seem confusing. It is hoped, however, that the explanation which is set forth in the various chapters which deal with the food and drug laws, including the Food and Drugs Act, as dealt with in Part II, may assist in the clarification of a subject which is, to say the least, complex.

PART II

The Food and Drugs Act

Having dealt in Part I with various phases and features of the food and drug law in general, it becomes relevant to discuss the Food and Drugs Act itself under the various chapter headings as set out in Part II of the Table of Contents, and which for convenience of reference are as follows:

- Chapter 5—Development of the Food and Drugs Acts
 - Chapter 6—Delegation by Regulations
 - Chapter 7—Food Standards, Adulteration and Special Provisions
 - Chapter 8—Drug Standards, Adulteration and Special Provisions
 - Chapter 9—Misbranding, Labelling and Advertising of Food and Drugs
 - Chapter 10—Administration and Enforcement
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CHAPTER 5

DEVELOPMENT OF THE FOOD AND DRUGS ACT

Although since early times there have been laws respecting foods, and within recent times laws respecting drugs, the legislative treatment of food and drugs in a single statute as in the Food and Drugs Act is of comparatively modern origin.

For the purposes of tracing the development of that Act, it is necessary to examine the food and drug laws of England on which the first Canadian act was modelled, and the economic and other conditions in Canada which brought about its passage.

For the sake of clarity and sequence, it may be appropriate to examine, firstly, the English law as it stood at the time the first Canadian act was passed, and secondly, the conditions in Canada resulting in the passage of a food and drug law.

While, in this chapter, references are made to relevant portions of the English acts on which the Canadian acts were patterned or by which they were influenced, and to some of the more important of the provisions of the various Canadian acts, there are reproduced in Part III of this book the more significant of these early English statutes, and in Part IV the successive Canadian Food and Drug statutes from 1874 to the present time. This is convenient, not only for ready reference, but also because these early statutes are frequently not available or accessible. Again, the reproduction of the statutes in chronological order make much easier the understanding of the narrative explanation as well as permitting the reader to contrast the more important and significant changes which the various statutes in succession introduced.

There is, perhaps, a further reason which would justify the reproduction of these statutes and that is the influence which certain of them have exerted on the development of the food and drug laws of

many countries. Part III accordingly contains the English Adulteration Act of 1860, the Adulteration of Food and Drugs Act of 1872 and the Sale of Food and Drugs Act of 1875. This latter, with a number of amendments, still forms the basic food and drug law of many of the countries of the Commonwealth of Nations.

Part IV contains the first Canadian food and drug statute, the various amendments to it, and all subsequent food and drug acts up to, and including, the present act.

Development of English Legislation

It may be of passing interest to mention briefly the situation which led up to the enactment of the first English statute which dealt with food as a subject at large and not only with particular foods, such as bread, tea, ale, etc. For this information, the author is indebted to the text of a paper presented before the Conference of food and drug inspectors in Vancouver, in February, 1952, by Mr. G. K. Beeston, and which was subsequently published in the *Food & Drug News*, Canada, in the issue of April, 1952.

The source of reference in Mr. Beeston's paper in turn was an article which appeared in a public school magazine or publication entitled, "Edgbastonia" under date of February 15, 1882, and dealt with the efforts of one John Postgate, F.R.C.S., to bring about legislation which would suppress or more effectively deal with the evils of adulteration which were rampant in the middle of the nineteenth century.

The text of the article used by Mr. Beeston was made available to him by Mr. Owen Postgate Fowler, of Victoria, a descendant of John Postgate.

As a result of the efforts made by Mr. Postgate, in the early 1850's, a committee of enquiry was established which reported, after investigation, that adulteration prevailed to such an extent that,

"not only is public health endangered and pecuniary fraud committed on the whole community, but the public morality is tainted, and the high commercial character of the country seriously lowered, both at home and in the eyes of foreign countries".

The article goes on to give instances of adulteration, and the following is of interest in showing the widespread character of adulteration as then practised, as well as the degree of ingenuity displayed:

"The Committee enumerated the leading articles found to be adulterated. Arrowroot mixed with potato and other starches, bread adulterated with potatoes, Plaster of Paris, alum and sulphate of copper, Coffee with chicory, roasted wheat, beans and mangold wurzel, Cocoa with arrowroot, potato flour, sugar and some ferruginous red earths, Cayenne Pepper with ground rice, Mustard husk, coloured with red lead, Venetian Red and turmeric, Gin with grains of paradise, sulphuric acid and Cayenne, Lard with potato flour, mutton suet, alum, carbonate of soda and caustic lime, Porter and Stout (though sent out by the breweries in a pure state), with water, sugar, treacle, salt, alum, coculus indicus, grains of paradise, nux vomica and sulphuric acid, Snuff with various chromates, red lead, lime and powdered glass. Opium with poppy capsules, wheat flour, with powdered wood and sand, Confectionery with Plaster of Paris and other similar ingredients, coloured with Pigments of a highly poisonous character, and acid drops purporting to be compounded of jargonelle pear, ribstone pippin, lemon, etc., with essential oils, containing prussic acid or other dangerous ingredients".

The Committee's report was presented in 1856 and as a result, a Bill was introduced in Parliament in 1857 entitled: "A Bill for Preventing the Adulteration of Articles of Food and Drink". This legislation, according to the article, received tremendous opposition, and was dropped. Public interest, however, was revived the following year when, as is stated:

"a fatal mistake made by a druggist's boy at Bradford awakened public opinion fully to the enormities of the adulteration system, and, eventually led to legislation on the subject. It seems that at that time, about five pounds of peppermint lozenges, adulterated with arsenic instead of the usual Plaster of Paris, were sold in the market place of Bradford. The vendor had ordered lozenges made by a confectioner at 7d. per pound, the usual price being 1s. 2d. and the maker sent for Plaster of Paris to use as an adulterant according to the price. Unfortunately the druggist's boy went to the wrong cask, and brought back arsenic instead of Plaster of Paris. The arsenic was duly mixed in with the other ingredients in the manufacture. Upwards of 400 people ate the lozenges, of whom 17 died within a day or two, the remainder suffering horrible agony."

This unfortunate occurrence apparently provided the needed stimulus for effective legislation, and there was accordingly passed in 1860, an Act, entitled—"An Act for Preventing the Adulteration of Articles of Food and Drink". (Part III.)

The substantive portion of this law was contained in Section 1 which provided in part as follows:

"(1) Every Person who shall sell any Article of Food or Drink with which, to the Knowledge of such Person any Ingredient or Material injurious to the Health of Persons eating or drinking such Article has been mixed, and every Person who shall sell as pure or unadulterated, any Article of Food or Drink which is adulterated, or not pure, shall for every such Offence . . . forfeit and pay a Penalty . . ."

The value of this legislation was limited in that it dealt only with the actual sale of foods and not with their manufacture. It, moreover, did not include drugs as part of its subject matter. Inadequate as it proved to meet the evils which were current, modern legislation owes to it a great debt. Not only did it mark the beginning of a more comprehensive treatment of the law respecting the sale of impure foods, but it also introduced the official analyst who has proved such a steadfast and dependable companion through the succeeding years.

Some of the limitations of this legislation were sought to be overcome in 1872 when there was enacted in England—"An Act to amend the Law for the prevention of Adulteration of Food and Drink and Drugs". (Part III.)

The substantive provisions of this Act were contained in its first three sections which extended the provisions of the 1860 Act, and were intended to proscribe many possible and foreseeable offences involved in the manufacture and sale of foods, as well as of drugs.

These sections, in brief, penalized:

1. the wilful admixture with an article of food or drink of any injurious or poisonous ingredient to adulterate it for sale, and the wilful admixture with any drug of any ingredient to adulterate it for sale.
2. (i) the sale of an article of food or drink with which, to the knowledge of the vendor any ingredient injurious to the health of persons consuming it, had been mixed.

(a) the sale as unadulterated of any article of food or drink or any drug which was adulterated;

- 3 the sale of an article of food or drink or any drug which the vendor knew to have been mixed with any other substance with intent fraudulently to increase its weight or bulk, and who did not declare such admixture to the purchaser before delivery of the article.

When compared to the paternalism of present legislation in the matter of consumer information, the rather dubious protection of the Act would appear naive.

It would be difficult to imagine in any modern legislation such an expression of tolerance as is contained in Section 3 as above summarized. The principle that a vendor could legally defraud a purchaser by doing no more than convey a hint that the food was an admixture is foreign, not only to the modern concept of honesty and fair dealing, but to modern legislation. So common, however, was the practice of adulteration through the addition of bulkier and cheaper ingredients, that there possibly did not exist at that time such a person as a **completely unsuspecting purchaser**.

It is altogether likely, because of prevailing practices that a purchaser needed no more than such a hint to put him on his guard, and perhaps the addition of cheaper substances to increase weight or bulk was not then regarded as the dishonest or reprehensible practice as would be the case today.

The situation with respect to the adulteration of food as extracted from reports of government officials, as well as from the facts of decided cases, was such as to suggest that it was common knowledge to the purchaser when he bought spices, that they would be likely to be mixed with some cheaper ingredient. For example, mustard would be mixed with flour and turmeric, ginger with cayenne, tea commonly contained sweepings, cocoa was commonly mixed with starch and flour, and sugar with sand, to mention only a few of the more prevalent examples of adulteration.

Thus alerted by the information that the food was an admixture, the common knowledge of the practice was possibly considered to justify the transaction being governed by the maxim of *caveat emptor*. The English courts, moreover, expressly held that the nature and quantities of the materials used in mixing need not be declared so long as the purchaser was alerted by the word "mixture". (*Pope v. Tearle* 1874 L.R. 9 C.P. 499.)

In 1875, the Acts of 1860 and 1872 were replaced by the Sale of Food and Drugs Act, 1875. (Part III.) This is usually regarded as the parent food and drug law of the Commonwealth. As a matter of interest, it is still the law that is in force in many of the countries of the Commonwealth, and in others, the food and drug legislation contains many of its provisions.

This Act of 1875 purported to advance the concept of "consumer protection" which was rapidly gaining ground, and to overcome many of the defects of earlier legislation. The substantive portions of this Act were contained in Sections 3 to 9 inclusive. Of these, Section 6 was perhaps the most important and may be said to constitute the cornerstone of English food and drug jurisprudence. For convenience, Sections 3 to 9 are reproduced as follows:

3. No person shall mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any article of food with any ingredient or material so as to render the article injurious to health, with intent that the same may be sold in that state, and no person shall sell any such article so mixed, coloured, stained, or powdered, under a penalty in each case not exceeding fifty pounds for the first offence; every offence, after a conviction for a first offence, shall be a misdemeanor, for which the person, on conviction, shall be imprisoned for a period not exceeding six months with hard labour.
4. No person shall, except for the purpose of compounding as hereinafter described, mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that the same may be sold in that state, and no person shall sell any such drug so mixed, coloured, stained, or powdered, under the same penalty in each case respectively as in the preceding section for a first and subsequent offence.
5. Provided that no person shall be liable to be convicted under either of the two last foregoing sections of this Act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the justice or court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, coloured, stained, or powdered as in either of those sections mentioned, and that he could not with reasonable diligence have obtained that knowledge.
6. No person shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, under a penalty not exceeding twenty pounds; provided that an offence shall not be deemed to be committed under this section in the following cases; that is to say,
 - (1) Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof;
 - (2) Where the drug or food is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent;
 - (3) Where the food or drug is compounded as in this Act mentioned;
 - (4) Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.
7. No person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser, under a penalty not exceeding twenty pounds.
8. Provided that no person shall be guilty of any such offence as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended fraudulently to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice, by a label distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.
9. No person shall, with the intent that the same may be sold in its altered state without notice, abstract from an article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, under a penalty in each case not exceeding twenty pounds.

Notwithstanding the advance in the philosophy of the law which was made in the 1875 Act, it was soon found to suffer from a number of weaknesses, two of which merit special mention. The first of these arose from the lack of any definition of adulteration, notwithstanding the fact that the purpose of the Act was essentially concerned with adulteration. The second was identified with the first and involved the lack of authority to prescribe legal standards of quality or identity for foods.

Development of Canadian Legislation

It is not necessary, in tracing the development of the Canadian Food and Drugs Act, to deal further with the ancestral law upon which it was patterned because as will be shown, a legislative cross-roads was reached in Canada shortly after the first Food and Drugs Act was passed in 1874. Thereafter, Canadian law assumed an independent form and pattern and was not substantially influenced by the English law.

Having thus briefly outlined the development of the English Food and Drugs Acts to the point from which a Canadian act took shape, it may now be convenient to deal with the situation in Canada which preceded the first Canadian food and drugs act and to describe some of the considerations which prompted its enactment.

Prior to Confederation in 1867, the legislation in Canada which was concerned with the subject of food and of drugs usually had regard to economic factors, and only indirectly to the aspects of public health and fraud with which it is today so much concerned.

During the French régime in Canada the laws or ordinances that were in force were concerned with scarcity rather than with purity or safety. During the succeeding British régime, and prior to Confederation, the laws usually dealt with individual and staple products, and did not attempt to deal with food as a general subject. Accordingly, there were laws which dealt with the grading of pickled beef and pork, and of pickled fish, with flour and with butter, to mention only a few.

For a more detailed historical account of the food and drug laws of Canada during these periods, and prior to Confederation, the reader is referred to the "Genesis and Growth of the Food and Drug Administration in Canada", by the late A. L. Davidson. This was published by the Department of National Health and Welfare to commemorate the 75th Anniversary of Canada's first national food and drug law.

Making allowances for different conditions in Canada than in England, due to the former being a new and growing country, and the other an old-established country, the actual situation with respect to the adulteration of food and of drugs was not dissimilar. It must be appreciated that there were then relatively few pre-packaged foods or drugs. The foods which were ordinarily purchased were of a kind that today would be classified as staple foods and included such commodities as tea, coffee, flour, sugar, spices and, of course, milk, butter and cheese.

The housewife of that day did not have the conveniences of the modern housewife in purchasing ready-made and pre-packaged jams, jellies, preserves, pickles, meat products, to say nothing of cake mixes and fresh frozen foods. The foods that she used as the basis of her

culinary needs were packaged from bulk to suit her requirements and lent themselves readily to the various forms of adulteration then practised.

Indeed, the word adulteration which properly described the practices then prevalent, may have become somewhat of an anachronism today. With "*legal recipes*" being set up in the form of food standards and each manufacturer endeavouring to produce a better and not a debased article, to describe the presence of an unauthorized ingredient or the absence of a prescribed ingredient as adulteration, becomes a matter of dubious interpretation.

It may be argued with some force that the present and popular meaning ascribed to adulteration, no longer refers to the practices which originally prompted its use.

Whatever the merits, then and now, for the use of the word adulteration to describe prevailing practices, it was not the prevalence of adulteration or the need to provide effective laws to prevent it, that actually resulted in the passage of the first food and drugs act. It was the problem created by the widespread sale and use of intoxicating liquor that brought about the legislation.

The debates in Parliament for the Session of 1873 which preceded the enactment of the first national food and drug legislation in 1874, dealt extensively with the growing demand for more adequate measures to control the sale of intoxicating liquors.

For example, on March 24, 1874, the statement was made in Parliament "that three-fifths of the insanity of the country, and four-fifths of the crime and pauperism, were caused by this drinking custom". This statement was made during a debate on a motion to refer the many petitions for prohibition which had been received, to a special committee of Parliament and that such Committee investigate the nature and extent of the evil and recommend some solution.

Likewise, the Senate debates of April 24th, of that year, showed that similar consideration was being given by the Senate to the problem, and a special committee was accordingly established in the Upper House for consideration of all such petitions, and to make an investigation into the evil, with a view to recommending some solution.

Almost daily thereafter during the Session, the opening of the debates in both Houses commenced by reference to the receipt of further petitions to enact prohibitory liquor laws. Reports were handed down by the committees of both Houses at the conclusion of the Session, recommending appropriate measures, but no steps were taken to implement these reports that year.

The Session of 1874 shows that the situation was still the same and with the opening of the debates almost every day making reference to the receipt of additional petitions. Again special committees were appointed by the Senate and by the House of Commons to consider the problem but the suggestion of a joint committee did not secure approval.

On April 20, 1874, the subject was for the first time identified with food when a bill was introduced in the Senate entitled—"The Adulteration of Food Prevention Bill".

The debate on this Bill queried its constitutionality as affecting the subject of property and civil rights, and therefore beyond the competence of Parliament. This was not fully discussed and the Bill received its first reading in the Senate.

The statement was made during the debate on the second reading on April 24th, that the subject of the adulteration of food was identified with the adulteration which was so widespread in the liquor trade. The constitutional position seems to have been resolved in the debate on the basis that the enactment was within the subject of criminal law, and therefore within federal competence. This is the basis on which the Food and Drugs Act has received support in the courts. This Bill received its third reading in due course, but does not seem to have been referred to the House of Commons, nor was any further action ever taken respecting it.

On April 30th, 1874, in the House of Commons, Sir Edward Cartwright moved that the House go into committee to consider a resolution that persons carrying on the business of compounding or mixing wine, brandy or other articles containing alcohol, and used for beverage purposes, take out a license.

On May 8th, Sir Edward Cartwright opened the debate on this resolution and stated that it was proposed to introduce legislation which would give the Department of Inland Revenue in Canada, the same powers as were possessed by the Department of Inland Revenue in England for the purpose of detecting deleterious adulteration of food and drugs. He stated that the legislation would be further explained on second reading. Unfortunately, the records of Hansard for the Session do not contain the debate on the second reading, and the purposes of the legislation as they may have been explained to Parliament in connection with it, are not available.

On May 19th, however, the legislation as covered by the resolution was given third reading and so was passed by Parliament. In due course, it was passed by the Senate and was given the Royal Assent on the 26th May, 1874, to come into operation on the first day of January, 1875.

This enactment was entitled:

"An Act to impose Licence duties on Compounders of Spirits; to amend the 'Act respecting the Inland Revenue'; and to prevent the Adulteration of Food, Drink and Drugs."

Although the debate on the second reading of the Bill in the House of Commons is not available, there are certain conclusions which may be drawn from the general background as reflected in Hansard as well as in the reports which are available.

In the first place, there is no question but that the public demand for a prohibitory liquor law accelerated the recognition of the whole question of adulteration. The reports which are available, however, indicate that the movement for prohibition was not without strong opposition, and that the claim was made that the evil was due to the sale of adulterated and bad liquor, and that the solution lay in more adequate measures in this connection than in total prohibition.

The statement had been made in the debates that man could not be made virtuous by the passing of an act by Parliament and considerable use was made of this idea in attempting to deal with the situation by means other than of total prohibition.

While the actual debate on the legislation itself, so far as it is available, does not relate to the prohibition movement, there is no question but that the subject is identified with this first food and drug legislation. This is borne out by the importance which it placed on the question of the adulteration of liquors and the compounding of spirits, with the various revenue factors given emphasis in contrast with the consideration it gave to food and drug adulteration.

This first Canadian food and drug statute was modelled on the English Act of 1872 which has been the subject of discussion. The first three sections of the English Act of 1872 which have been summarized in this chapter and which are the substantive sections of that Act, were reproduced in the Canadian Act as Sections 22, 23, and 24 respectively, and were also its substantive sections insofar as food and drugs were concerned.

As might be expected, the Act contained a number of matters relating to the compounding of spirits, the adulteration of spirits and to provide for license duties, amongst other things which were not taken from the English Act.

That the introduction of the legislation did not immediately correct all of the evils which it sought to do is obvious from the Annual Report of the Department of Inland Revenue for 1876. This Report in dealing with the adulteration of food stated that out of 180 articles analyzed, 93 were adulterated, and 87 unadulterated. These articles included spices, such as allspice, cloves, cinnamon, mustard and pepper, milk, sugar, tea, coffee and cocoa, with cocoa and milk forming the largest number of the articles examined, which were found to be adulterated.

The situation as reflected by the examination of these staple articles may therefore be regarded as generally representative of the conditions which prevailed in Canada, not only at the time the legislation was passed, but for some time thereafter.

It was not long before the value of Section 6 of the English Act of 1875 was recognized in Canada, and in 1878, the Inland Revenue Act as amended in 1874 was further amended to add to Section 23 of it, a provision similar to that contained in Section 6 of the English Act.

The importance of legislation dealing with food and drugs was soon realized, and in 1884 it emerged from the shelter of the Inland Revenue Act as legislation in its own name, as "An Act to Amend and to Consolidate as Amended the Several Acts Respecting the Adulteration of Food and Drugs". By its short title, it was called "The Adulteration Act 1884".

The significance of this enactment went far beyond its immediate text or subject matter, and proved to be a legislative crossroads in this field. Until then, the cut of the Canadian legislation had been according to the English pattern. This statute, however, in defining adulteration and fixing official standards for drugs demonstrated the intention of Parliament to legislate for Canada independently of the pattern or trend of another country. This independence of legislative thinking was to have far-reaching consequences, for not only did it ensure for Canada legislation according to Canadian needs, customs, and conditions, but it gave to the Canadian law a force and impetus that left its mark on the food and drug laws of many other countries.

The Canadian law by the sensible and realistic way in which common problems were treated, exercised considerable influence in moulding the character and appearance of comparable laws in a number of countries of the Commonwealth.

Canada's leadership can be traced to the vision and foresight of the early and able food and drug administrators, and to the confidence which they inspired in our legislators who implemented many of their recommendations by appropriate laws.

The Adulteration Act, 1884, attempted to deal with the weaknesses from which earlier legislation had suffered. This was substantially done in Section 2, which is in part as follows:

2. An Article is deemed to be "adulterated" within the meaning of this Act,
 - (a) In the case of Drugs:
 - (1) If, when sold or offered or exposed for sale under or by a name recognized in the British or United States Pharmacopoeia, it differs from the standard strength, quality or purity laid down in either;
 - (2) If, when sold or offered or exposed for sale under or by a name not recognized in the British or United States Pharmacopoeia, but which is found in some other generally recognized pharmacopoeia or other standard work on materia medica, it differs from the standard of strength, quality, or purity laid down in such work;
 - (3) If its strength or purity falls below the professed standard under which it is sold or offered or exposed for sale;
 - (b) In the case of Food:
 - (1) If any substance has been mixed with it, so as to reduce or lower or injuriously affect its quality or strength;
 - (2) If any inferior or cheaper substance has been substituted wholly or in part for the article;
 - (3) If any valuable constituent of the article has been wholly or in part abstracted;
 - (4) If it is an imitation of, or is sold under the name of, another article;
 - (5) If it consists wholly or in part of a diseased or decomposed, or putrid or rotten animal or vegetable substance, whether manufactured or not—or, in the case of milk or butter, if it is the produce of a diseased animal, or of an animal fed upon unwholesome food;
 - (6) If it contains any added poisonous ingredient, or any ingredient which may render such an article injurious to the health of a person consuming it;
 - (c) Provided that the foregoing definitions shall not apply,
 - (1) When any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drug, or to conceal the inferior quality thereof, provided such articles are distinctly labelled as a mixture, stating the components of such mixture;
 - (2) When the drug or food is a proprietary medicine or is the subject of a patent in force and is supplied in the state required by the specification of the patent;
 - (3) When the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation;

- (4) When any articles of food not injurious to the health of the person consuming the same are mixed together and sold or offered for sale as a compound, provided such articles are distinctly labelled as a mixture, stating the components of such mixture, and the proportions of each of such components.

Section 15 made it an offence to manufacture, expose for sale, or sell an adulterated article of food or drug and Section 18 authorized the Governor-in-Council to declare certain articles and preparations exempt from the Act. Section 19 authorized the Department of Inland Revenue to fix limits of variability permissible in an article of food, drug or compound, if no standard has been established by any pharmacopoeia mentioned in Section 2(a) of the Act.

Because adulteration was now the subject of positive definition and the sale of adulterated articles prohibited, the offence of selling to the prejudice of a purchaser was no longer applicable. The section, therefore, which added this offence to the legislation of 1878 was dropped in the Act of 1884 but the exempting provisions which went with it and which had been adopted were retained in Section 2(c). It is, however, to be noted in this connection that while exemptions were made to the definition of adulteration, it was necessary in the Canadian Act, in the case of an added ingredient, to show by the label the components of the mixture and in the case of a mixture sold as a compound, not only the components but also the proportions thereof.

This legislation so firmly established the definition of adulteration that it remains substantially unchanged in the present law, and in 1906 when the first national food and drug act of the United States was passed, adulteration was treated in practically the same way. Moreover, the food and drug laws of certain of the countries of the Commonwealth have dealt with the adulteration of food and in some cases of drugs substantially as was done in the Canadian Act.

The legislation thus made a real attempt to overcome the deficiencies of the earlier law through its treatment of adulteration and by the establishment of official means for determining a proper standard for drugs. Useful perhaps as was the authority to prescribe limits of variabilities permissible in an article of food or drug as provided in Section 19, it still failed to give the authority which the administrative officers contended should be given if adequate standards of quality were to be established and maintained.

In 1885, the Adulteration Act of 1884 was repealed and there was substituted for it "An Act respecting the Adulteration of Food, Drugs, and Agricultural Fertilizers". (Chap. 67 48-49 Victoria).

Beyond including agricultural fertilizers which were subsequently dropped the legislation made no substantial change in the law as it had been established by the 1884 Act.

In 1886 the Statutes of Canada were revised and consolidated and the Act was reproduced as Chapter 107 of the Revised Statutes but without any change of subject matter.

In 1886 by the statutes of that year as distinguished from the Revised Statutes of Canada, 1886, the Act was slightly amended and in 1888 again amended to deal with the subject of analyses, the qualifications of analysts and to amend the definition of food to overcome a defence which had been successfully raised in the province of Quebec.

In that case, which involved the adulteration of baking powder, it was held that the definition of food was too narrow to include a substance used only as an ingredient of food and intended to be mixed with something else. The definition of food was accordingly amended to include not only a substance used as food but also every ingredient intended to be mixed therewith.

The intent of the legislation through the various amendments mentioned had been substantially in the direction of strengthening the administrative aspects rather than in making the legislation easy of enforcement through judicial procedure. The records and reports which are available indicate that the number of convictions represented but a fraction of the number of cases where adulteration had been found or suspected.

There are a number of reasons for this. In the first place, it was new legislation and the inspectorial and enforcement staff was in process of being recruited and trained to take care of its enforcement as well as its administration. In the second place, difficulties were frequently encountered in judicial proceedings due to the defence being raised that the defendant was innocent of knowledge that the article was adulterated, and last, but not least, there was the difficulty created by the lack of standards from which the Court could define adulteration as a matter of fact and not of opinion.

Amongst the various articles of food which occupied the attention of the administration during this period was fluid milk. The whole administration was constantly on the alert to detect adulteration in milk, and the public, due to considerable publicity, was suspicious of the quality and purity of the milk supplied. The time-honoured jokes regarding the addition of water to milk, and other tricks to increase the vendor's profit were not without foundation and the results of surveys and analyses indicated that adulteration included the addition of water as well as the skimming of cream. Indeed, it was largely with milk in mind that part of the definition of adulteration was drawn, but, even so, it was difficult to insure a proper quality for milk in the absence of standards.

In collaboration with his assistants, and on the basis of a number of surveys, the Chief Analyst established unofficial standards to be used as a guide by his enforcement officers in the case of milk as well as other basic commodities. His recommendations contained in bulletins and formal reports were continually directed to the need for authority to prescribe standards of quality which would be enforceable and which would help to allay the public fears of widespread adulteration. The repeated recommendations of the Chief Analyst were gradually being heeded and the following extract from the proceedings in the Senate on April 2, 1889, may perhaps illustrate more graphically than could be done by the condensation of a number of reports, the importance with which the situation was being viewed.

ADULTERATION OF FOOD

Inquiry

HON. MR. PAQUET inquired:

Whether the Government, acting on information in statements Nos. 1, 2, 3, 4, 5, 6, 7, already published under the signature of one of their officers, Mr. Thomas Macfarlane, Chief Analyst of the Dominion, has taken, or proposes to take, efficacious measures to prevent the perpetration of the numerous frauds so prejudicial to the public interests which are pointed out by him in these statements?

He said (in French): When on Friday last I gave notice of the inquiry to which I now address myself, my object was to draw the attention of the Government and of this House to a series of bulletins which have been published from time to time by Mr. Macfarlane, the Chief Analyst of the Department of Inland Revenue, and which, in the mass of Blue Books which we have to study, might possibly be passed over unnoticed. These documents merit special attention and demand, in the public interest, to be most carefully studied. For several years the Government have been expending a certain sum of money; laws have been enacted, amended and consolidated, and I cannot perceive that the result at all corresponds with the efforts which have been made. Let us examine amongst these bulletins the two first, which relate to milk, that food so complete, so indispensable to children and so useful to people of all ages. What do we find? An adulteration most prejudicial to nutrition, either by the addition of water or by the sale of skim milk. It is necessary, according to Mr. Macfarlane (and he has assuredly good cause for making the suggestion) to establish a standard for milk, and for this reason; we know that under the most favourable circumstances milk ought to contain over 5 per cent of butter fat, whilst under other circumstances milk may, without being adulterated, contain as little as $2\frac{1}{2}$ per cent. Now if the Government should decide to fix a minimum of $3\frac{1}{2}$ per cent, and proceed against all who sell milk which contains less there will be a better guarantee of good milk being easily obtained, analyses will be less frequent and the expense less.

Passing to the third bulletin, the estimable analyst submits to his chief that coffee is atrociously adulterated. Nothing is more agreeable than a good cup of coffee. It is a stimulant, a tonic, and by its great nitrogenous properties, above all in the caffeine, it is a food. Well, in sixteen cities of the Dominion 85 samples have been analyzed, and of these 41 have been found impure. In the cities of Halifax and Montreal, of ten samples in each, only two were found pure. In Saint John, New Brunswick, there were four out of ten; in Toronto, three out of six, in Winnipeg, five out of ten; in Quebec, five out of ten, etc. The learned officer adds that in several of the cities referred to the collectors of samples were known by the vendors to be revenue officers, and may have been intentionally sold. In consequence of this, the Department has suggested that the collection of samples be made by persons who are practically strangers to the dealers, and they would not be at all astonished if the list of adulterations would be found to be greater than the analyses so far shown throughout the Dominion. The substances most generally employed for the purpose of adulterating coffee are roasted peas and chicory, and in many cases to the extent of 60 per cent. The peas contain more starch than nitrogen, and there is a real loss in the nutriment.

The fourth bulletin shows an abuse which should be repressed, in the adulteration of commercial fertilizers. Manures are sold as high as \$10 per ton which do not contain more than one-half of the fertilizing principles. As my desire is solely to draw the attention of the Executive to the manner in which the laws that they are required to administer are respected, a simple mention should suffice.

The fifth bulletin treats of cheese. I can state with pleasure that our Canadian cheese is very highly esteemed, that it is a source of considerable revenue, and that it commands a better price in the market than the American

product. The reason is as follows: our neighbours frequently manufacture their cheese from skim milk, and give it the appearance of being rich by mixing with it oleomargarine, an article which is considered inferior to butter. Now, induced by such an example, some of our Canadian producers are imitating them, to the detriment of the splendid reputation that they have acquired . . . I believe, hon. gentlemen, I have said enough to draw the attention of the Government to a state of things which imperatively demands a remedy, and I doubt not that this information, taken from official sources, will engage the attention of the authorities and lead them, in the public interest, to punish more rigorously than they have done in the past violators and despisers of the law.

HON. MR. ABBOTT: I am very glad that my hon. friend does not forget to endeavour to enlist the sympathy of the public in the crusade against adulteration which is being carried on by the Government to the best of its ability. I regret to say that it does not meet with all the assistance that I think it deserves from the public in attempting to bring about convictions for adulteration, or discovering the persons guilty of adulteration. My hon. friend must not suppose that there has not been a large number of convictions for violations of the law against adulteration, and to the greatest extent possible the prosecutions have been followed up with all the energy practicable. One great difficulty in the way of obtaining convictions has been the possibility of the person in whose possession adulterated goods were found exonerating himself from the charge by pleading ignorance of the fact. That is an obstacle in a great many cases; in fact, it is the most fertile source of defeat of the Government prosecutions. In a great many instances we believe it to be not well founded, and in a great many other instances it may exist, but is caused simply by the indifference or neglect of the party who buys the adulterated articles.

In answer to my hon. friend's question, the Government have had under consideration these reports. They have caused a Bill to be prepared, which they propose to ask this House to pass this Session, for the purpose of placing on a more satisfactory footing this defence of ignorance, and on other points they have it under consideration and are endeavouring to find a mode by which it can be remedied. The imposition of an additional tax on lard in order to prevent the introduction of adulterated lard, to which the hon. gentleman referred and which is a very important subject, has of course many other bearings, and requires to be carefully considered before that line is adopted. With regard to milk, my hon. friend noticed the fact that the analyst furnishes a standard below which it should not fall, but the Government are informed that there are certain classes of cattle whose milk does not contain $3\frac{1}{2}$ per cent of fat—the Holsteins. They give abundance of milk, but it is deficient in fat, and it would not in all cases reach that percentage. I understand that there is to be a convention of dairymen held in Ottawa in the course of eight or ten days, from which a good deal of information can be obtained on the subject.

In the following year, 1890, effect was given to the strong recommendation of the Chief Analyst through the introduction of legislation to take care of the vexed problem of standards. This was done by amending Sections 2 and 19 of the Act to provide as follows:

"2. (e) Food shall be deemed, to be 'adulterated' within the meaning of this Act,

(7) If its strength or purity falls below the standard, or its constituents are present in quantity not within the limits of variability, fixed by the Governor-in-Council as hereinafter provided;"

"19. The Governor in Council shall, from time to time, cause to be prepared and published, lists of the articles, mixtures or compounds declared exempt from the provisions of this Act, in accordance with the next preceding section, and shall also, from time to time, establish a standard of quality for, and fix the limits of variability

permissible in any article of food or drug or compound, the standard of which is not established by any such pharmacopoeia or standard work as is hereinbefore mentioned; and the Orders in Council fixing the same shall be published in the Canada Gazette, and shall take effect at the expiration of thirty days after the publication thereof."

In addition to this, another of the recommendations of the Chief Analyst was adopted in the amending Act to authorize him to publish the names of vendors from whom adulterated articles had been obtained.

Although the legislation dealt with a number of other matters these are the most important in tracing the historical highlights of the law. The publication of names proved to be an effective but, as may be imagined, unpopular administrative technique, and eventually was dropped.

The feature of the legislation involving authority to prescribe standards of quality for an article of food or drug was possibly the most far-reaching of all of the changes which this or any of the amending Acts introduced. Peculiarly enough, its importance seems to have been completely overlooked in the Houses of Commons for the record of the debates on the passage of this Bill make no reference at all to this particular section.

In the Senate, however, the section was discussed but here again it was in connection with a standard for milk. Senator Paquet who had made the inquiry the previous year had the following to say on the second reading of the Bill:

"HON. MR. PAQUET: Last year the hon. gentleman promised that he would endeavour to have the law amended so as to provide a legal standard for milk. Under the existing law it is impossible to convict a vendor of milk for adulteration, as we have no legal standard.

"HON. MR. ABBOTT: I promised to do it as far as I could do so.

"HON. MR. PAQUET: After I had the conversation with the hon. gentleman, I promised the Dairy Association that I would urge upon the Government to have a legal standard fixed, and I would like to know if there is any hope that we may get something definite this Session?"

"HON. MR. ABBOTT: I think I explained to my hon. friend the difficulty which existed last year—that it was almost impossible to determine a standard percentage, because the percentage of fatty matter in the milk of some animals was at times so extremely low that it would not be convenient to make that the standard, and at the same time it would be an extreme hardship to provide that the milk of Holstein cows, for instance, should be excluded because it was not up to the standard, I have not discussed the matter with my colleague this Session, but I shall do so before we proceed with the Bill."

The subject again came up for discussion on the third reading:

"HON. MR. ABBOTT: With reference to the question which my hon. friend opposite (Mr. Paquet) put to me, as to the standard for milk, the matter has formed the subject of a good deal of consideration with the Minister, and the conclusion that he has come to is this: That it would be difficult, perhaps impossible, advantageously to fix one standard for milk. It is necessary that milk for manufacturing purposes should possess a certain percentage of fatty matter, but it is not absolutely essential for domestic uses that it should be as rich as it must be for manufacturing purposes, and

the present intention is to have, under clause 8 of this Bill, two standards for milk—one which will form the minimum standard for milk to be used for manufacturing purposes, and the other to form a minimum standard for milk to be used for domestic purposes. It would gratify the Minister very much if gentlemen like my hon. friend opposite, who have given their attention to this subject, would favour him with their views about it. It is a new subject, and it is one of very grave importance indeed from many points of view, and we are extremely anxious that it should be dealt with as it ought to be, and if my hon. friend would favour the Minister with his views, either by sending him a memo. or by seeing him, it would gratify us very much."

The clause was agreed to.

HON. MR. ABBOTT moved that the committee rise and report the Bill without amendment.

"HON. MR. HAYTHORNE: Before the committee rises I may say that I am fully alive to the importance of having a standard for milk. I recently read in an English paper that milk was still one of the few things that it was found difficult to deal with there, owing to the want of a standard laid down by the Government as to quality, and it is now a moot question there as to establishing that standard. I am glad to find that we in Canada are a little ahead in that respect, although I fear that we are a little behind them on the general principle with regard to which our adulteration Acts are passed. They appear to have, in England an Act making the vendors responsible for the quality of all the articles they sell, and as a consequence there is a general purity found to exist now in the articles sold by retail, in which adulteration used to be so very common. I rather think, that before many years elapse Canadian dealers will have to be placed under the same responsibility with regard to the articles that they retail, looking of course themselves to the parties who furnish the goods."

The somewhat extensive references to the debate on this particular amendment and to the question of milk might seem disproportionate to its importance. An appreciation of the overall picture as it then existed, in comparison with the ultimate use which was made of this authority, shows that it was one of the most valuable changes which was ever made in any food and drug enactment.

It is under the authority of this amendment as continued in subsequent food and drug enactments that the practice of providing standards of quality for foods was established and is continued.

In England at about this period, fluid milk was giving similar concern and the emphasis of the legislation in that country from 1879 onwards was substantially directed to milk. In 1899 the English Sale of Food and Drugs Act, 1875, was amended to provide a limited standard making authority. This authority was, however, confined to milk, butter and cheese and was of a somewhat negative character as compared to the Canadian authority. It authorized the Board of Agriculture to make regulations prescribing what deficiencies, if any, in the normal constituents of milk, cream, butter or cheese, or what addition of extraneous matter or proportion of water should for purposes of the Food and Drugs Act raise a *prima facie* presumption that the article was not genuine or was injurious to health.

It is curious that with the example of the Canadian amendment of 1890 available and the knowledge that it had been motivated by the necessity to handle an exactly similar problem, the English legislation did not follow its pattern.

Here again was a legislative crossroads because, having failed in the 1899 legislation to adopt the principle established by the Canadian law in giving authority to make regulations respecting standards of quality, subsequent English enactments, until 1938, consistently adhered to the restricted view. In 1938 for the first time the legislation authorized the Minister of Health to make regulations respecting the composition of food. It is only since the 1938 legislation and on the basis of war legislation that standards of quality for a limited number of foods in England have been established.

The practice as provided by the Canadian Act in 1890 was quickly followed by certain other countries of the Commonwealth, as for example, the States of Australia, the Union of South Africa and the Dominion of New Zealand. The relevant statutes of those areas deal with the question of standards in generally the same way as was done in the Canadian Act. In other of the countries of the Commonwealth, however, the pattern of the law developed in accordance with the basic English law and, as such, did not authorize the making of standards of quality, but adhered to the earlier device of prohibiting a sale to the prejudice of the purchaser of an article not of the nature substance or quality demanded.

It is considered therefore, that the legislation of 1890 with its influence, not only on the development of the Canadian law respecting foods and drugs, but also on the laws of other countries, merits the somewhat detailed discussion and consideration which it has received in this chapter.

The Canadian Act of 1890 in providing that food for which a standard had been provided was adulterated if its strength or purity fell below such standard, or its constituents were present in quantity not within the limits of variability as fixed by the Governor in Council, established the pattern that is preserved in the present Canadian law.

In contrast to this, the American Act which proceeded along generally similar lines provided that an article of food for which a standard had been provided should be deemed to be misbranded if it did not comply with such standard.

A great deal more could be said with respect to the intent of the amendment in terms of standards of quality and permissible limits of variability. It is considered, however, that any further discussion on this important branch of the law properly belongs in Chapter 7 dealing with Food Standards, Adulteration, and Special Provisions.

Because of the reproduction of the various amendments in Part IV, it is unnecessary to comment on any particular amendments which were made during the intervening years between 1890 and 1920.

The next amendment which should be specially mentioned took place in 1920 when, for the first time, the former references to it as an Adulteration Act were dropped. It was then intitled the Food and Drugs Act and was enacted in its present form, less of course, the amendments that have been made from time to time since that year.

Apart from the change of title and some considerable rearrangement of the subject matter of the Act as it appears in the present day legislation, the major change in the Act in 1920 was the provision for misbranding.

It is of some interest in this connection that the United States Food and Drugs Act of 1906 adopted substantially the definition of adulteration as contained in the Adulteration Act of 1884, and the Canadian Food and Drugs Act of 1920 adopted substantially the definition of misbranding as contained in the United States Act of 1906.

This, while it provided a happy illustration of neighbourly borrowing as between Canada and the United States, is also important in that it shows the influence and effect which pioneer food and drug legislation can exert on the development of the food and drug laws of other countries.

It is not necessary to comment in detail at this time on the section dealing with misbranding, because, while it marks a major development in the law, it also will be further discussed in Chapter 9 dealing with Misbranding, Labelling and Advertising of Food and Drugs.

In 1927 the statutes of Canada were revised and consolidated and the Food and Drugs Act of 1920 appeared in those statutes as c. 76 of the Revised Statutes of Canada 1927, but without any change of substance in its text. This statute is not reproduced in Part IV as it was merely a consolidation statute and did not introduce new provisions.

In 1934 two important sections were added to the Act. The first was the prohibition of the sale of any remedy represented by label or advertisement to the general public as a treatment for any of the conditions specified in Schedule A to the Act. Schedule A, which was then added to the Act, specified a number of diseases, conditions or abnormal physical states, including alcoholism, cancer, diabetes, epilepsy, heart disease, infantile paralysis, obesity, sexual impotence, tuberculosis and venereal diseases.

It is of some interest that the Act, which is generally described in the United States as the Copeland Act (S. 2800) Section 9(c), in the form in which it was introduced, contained a proposal somewhat along the lines of the Canadian section, in that it deemed an advertisement to be false if it was represented to have any effect in the treatment of a number of diseases similar to those enumerated in Schedule A to the Canadian Act. This provision was, however, not retained in the United States legislation as it was finally passed.

Section 6A of the Canadian Act as amended in 1934 (R.S.C. 1952, c. 123, s. 7) will be further discussed in Chapter 9.

The second change in the 1934 amendment related to vinegar. Section 8A of the amendment (R.S.C. 1952, c. 123, s. 10) prohibited the manufacture and sale of compound vinegar, vinegar mixture, imitation vinegar or substitute for vinegar. Without discussing the historical background of this section which was taken over from another statute, namely the Excise Act, it is important in that it deals with a food by name. Generally, an imitation product would be appropriately taken care of under the regulations and by label description or designation. Section 7 of the 1927 Act and of the present Act expressly contemplates the sale of compounds and imitations when appropriately

labelled. The section has not proved a difficult one from an administrative point of view, because, apart from the province of Newfoundland, there has never been any considerable demand for vinegars other than those as traditionally manufactured.

The section is, however, particularly interesting from a constitutional point of view, because it is difficult to distinguish the prohibition contained in it from the prohibition contained in Section 5(a) of the Dairy Industry Act which the judicial committee of the Privy Council held to be *ultra vires*. See also the discussion of this section in Chapter 7.)

The next changes to the Act were made in 1939 and of these perhaps the most important was the new definition of drug providing as follows:

"Drug"—includes all medicine for internal or external use for man or animal; any substance, mixture of substances and any article that may be used for the diagnosis, treatment, mitigation or prevention of disease in man or animal; any cosmetic; any material that may be used for disinfection in premises in which food is manufactured, prepared or kept or for the control of vermin in such premises."

A number of important additions will be observed in this definition.

The word "article" was intended to cover substantially what had been dealt with in the Food, Drug and Cosmetic Act of the United States as a device, and its inclusion in the definition of a drug, permitted of regulations being made respecting advertising and other matters which had become important due to the increasing sale of therapeutic devices.

The next important addition was the inclusion in the definition of any cosmetic, with cosmetics being defined as any material intended to cleanse, improve or alter the complexion, skin, hair or teeth; and includes deodorants and perfumes.

The Food, Drug and Cosmetic Act of the United States of 1938, in addition to making provision for devices, made specific provision for cosmetics, not only in the title to the Act, but also in its substantive sections. It was appropriate, therefore, that with recognition so given to the importance of the cosmetic trade or industry by the United States legislation, that the Canadian Act should make some similar provision.

The bulk of the 1939 amendment accordingly dealt with the subject of cosmetics, but because of the outbreak of war, the portions of the Act dealing with cosmetics were not brought into force until 1946. As a matter of interest, in connection with the addition of cosmetics to the subject of the legislation, Section 5 of the 1939 amending Act which authorized regulations for the licensing of manufacturers of cosmetics has never been brought into force.

Because of the constitutional decisions respecting attempts in federal legislation to regulate particular trades and industries through forms of licensing or other devices, doubt might well be cast on the validity of such a provision.

The next important addition to the definition of a drug is the inclusion of disinfectants. This, however, does not require any particular comment at the present time, except to point out that with the

increasing use of toxic agents as disinfectants, the authority which provides for regulations respecting prohibition on the sale of certain drugs, or restricting the use of certain ingredients, may become of considerable importance. In connection with this provision the Regulations under the Act should be consulted as well as the Pest Control Products Act.

The last important section in the amending Act is that which is presently contained as Section 32A (R.S.C. 1952, c. 123, s. 36) and which deals with the false or misleading advertisement of a food or drug. This section along with other sections which relate to advertising will be discussed in Chapter 9 dealing with that subject.

The Food and Drugs Act had authorized regulations prohibiting the sale or defining the conditions of sale of any substance which might be injurious to health when used as a food or a drug, or restricting in like manner, its use as an ingredient in the manufacture of food or drugs. This section had always been regarded as sufficient to enable regulations to be made which might be necessary in the public interest. With the advent of certain of the new antibiotics, and starting with penicillin, which were not considered to be of possible injury to health, doubt was cast on the section as authorizing control by regulations. It was proposed to require penicillin along with other antibiotics to be sold only on prescription, and because it could not fairly be established that penicillin might be injurious to health, the authority of this regulation making section was not considered sufficient.

Accordingly, in 1946 the Act was again amended to add to Section 3, as subsection "kk" thereof (R.S.C. 1952, c. 123, s. 3(k)), authority to make regulations "defining the conditions of sale of any drug in the interest and for the protection of the public health".

It has been under the authority of this subsection and subsection (k) (R.S.C. 1952, c. 123, s. 3(j)) that the present regulations require the drugs contained in Appendix IV to the regulations, to be sold only on prescription, and that the drugs in Appendix II be sold only on prescription if the dosage exceeds the limits prescribed in the appendix. See also the discussion of this in Chapter 8 and in the portion of Chapter 4 dealing with provincial pharmacy legislation.

This concludes the discussion of the development of the Food and Drugs Act, and while it cannot purport to deal with all of the important sections that are contained in the various statutes reproduced in Part IV, an attempt has been made to touch on certain of the highlights of the legislation. Other chapters will deal further with particular matters involved in the present legislation or with special phases of it.

CHAPTER 6

DELEGATION BY REGULATIONS

An examination of the various federal and provincial statutes which are set forth in this compilation, will indicate the dependence in Canada on delegation of legislative authority by regulations.

This device which is frequently called "delegated legislation" or "legislation by regulation", is very much a part of the pattern and trend of legislation in Canada. While it is widely employed in all legislation, it is of a special value in complex and technical fields which are subject to frequent change or variation and to constant development.

Nowhere, perhaps, is the value of this better illustrated than in the case of the Food and Drugs Act, which of necessity, deals with a field both technical and complex and constantly changing. The needs and functions of the human body, in terms of its chemical constituents are becoming better known and understood; to say that revolutionary discoveries are being made, in the field of drug therapy, is almost an understatement.

It is obvious that the primary purpose of the legislation which is the protection of the consuming public, could not be fully realized unless the administrative and substantive provisions of the law were given sufficient flexibility and movement, to keep in step with scientific progress and with human ingenuity.

Authority is accordingly given in the Food and Drugs Act to the Governor in Council to make regulations for a wide variety of subjects, ranging from purely administrative matters to matters of substance.

It is provided in the Act that regulations so made shall have the same force and effect as embodied in the Act.

In a statute which deals with so constantly changing a subject, the greater the flexibility that is given to its administration, the greater will be its potential effectiveness in operation.

Accordingly, the Food and Drugs Act delegates to the Governor in Council far reaching powers to regulate and control the manufacture and sale of food and drugs in Canada, insofar as this may be necessary for the protection of the public health and for the prevention of deceptive and dishonest practices.

One may therefore expect such regulations to be anything but static and anyone who has occasion to consult the regulations for an answer to a particular problem, will need to be sure that it is the latest regulation that he has before him.

This likelihood of change is not generally found in statute law, and particularly where the statute is confined to broad principles, with the delegation to regulation of the task of giving life and force to the statute. The point is specifically emphasized to alert the reader to the necessity of ensuring that any regulatory provision of a federal or provincial act as may be contained in this compilation has not been further modified or amended since going to press.

There can be no question but that the framers of the Food and Drugs Act conferred a great benefit upon the consuming public as well as upon industry in giving to it through regulations the flexibility that is necessary in a law of such basic social and economic importance.

Laymen, and even lawyers, who often regard delegated legislation, or legislation by regulation, as the device of modern bureaucrats, may be surprised to find that it is a legislative device of considerable antiquity. Space does not permit of a full discussion of the history of delegation of law-making authority, and the reader is referred to "Law and Orders, An Enquiry into the Nature and Scope of Delegated Legislation and Executive Powers in England" by C. K. Allan, K.C., published in 1947 by Stevens & Sons, Ltd., London, England.

For those to whom this interesting work is not available, it may be appropriate to mention briefly one or two early examples of the device of delegated legislation as the subject is dealt with by Mr. Allan in the chapter of his book on the History of Delegation.

In the year 1539 Henry VIII, a firm absolutist, prevailed upon his Parliament to pass the Statute of Proclamations. Under this statute, it was provided that the King could issue proclamations having the same force of law as acts of Parliament. By this device, Henry VIII was, except as to certain matters mentioned in the Act, able to make his own laws, with Parliament obliged to recognize them as though made by itself.

That Parliament was not altogether happy with this self-denying legislation, is shown by the fact that the statute was repealed immediately after his death, and no subsequent monarch was ever equally successful in obtaining a similar legislative *carte blanche*.

A further instance of delegated legislation, as mentioned by Mr. Allan, also took place during the reign of Henry VIII with the passing of the Statute of Sewers. This established a Commission with powers to make laws and ordinances, to levy rates on land owners, and to impose penalties. It was provided that the rules made by the Commission were to be given the validity of a statute, subject to certain formalities being met, including Royal Assent.

Needless to say, royal attempts to appropriate the authority of Parliament neither began nor ended with Henry VIII, but the two statutes above mentioned illustrate the pattern from which can be traced the present widespread and popular practice of delegated legislation, or legislation by regulation.

In the intervening period, the statute books of England reflected both the development of the practice and apprehension of its implications. Whatever may be the apprehension that can be expressed, it would be fair to say that the advantages of it, coupled with the safeguards which are inherent in our constitutional system, are such that "legislation by regulation" will likely remain with us as a popular and convenient legislative device.

For the information of laymen, as well, perhaps, as readers outside of Canada, it may be convenient to make brief reference to what are considered to be the safeguards in this device against abuse.

The goal of legislative draftsmanship is the definition, with precision, of the matters that can be dealt with delegated legislation. Unfortunately, all of the statutes do not reflect the degree of precision which is found in the Food and Drugs Act, and many will show examples of omnibus authority to regulate on all matters which might directly or indirectly be involved under a statute.

The authority that is contained in the Food and Drugs Act is clear and specific and relates only to matters which are necessarily incidental to implement the purposes of the Act. While criticism has been expressed, by specialists in administrative law and by constitutional authorities of the growing popularity of delegated legislation and the lack of effective safeguards against abuse, it may be considered that insofar as the regulations under the Food and Drugs Act are concerned, there are adequate safeguards.

It is not properly relevant to this discussion to consider the arguments for and against delegated legislation, nor for that matter, the merits of the device. It, moreover, is not relevant to discuss the possibility of abuse in its use in the legislative field at large. Insofar, however, as the device is utilized in connection with the Food and Drugs Act, it is considered to have merit and in fact to provide the only device which could possibly give to the legislation the flexibility that its purpose demands.

It may be useful for readers who are not familiar with the Canadian system of responsible government, which should be distinguished from representative government, to discuss the manner in which the practice of delegated legislation operates, and some, at least of the safeguards that are inherent in its use.

In Canada, the Governor General is the personal representative of the Queen who is the embodiment of the Crown in the Commonwealth of Nations. Constitutionally, the assent of the Governor General is required to all legislation as well as to the calling and proroguing of Parliament. Parliament is composed of the Senate, which is an appointed body, and of the House of Commons, which is an elected body. The government in power is the political party which has the greatest number of the members elected to Parliament. This constitutes the government of the day, and the person chosen by the party as its leader is called on by the Governor General as the personal representative of the Crown to form a government.

This involves the leader being designated as the "Prime Minister" and he selects the members of his Cabinet from amongst the members of his party who have been elected as members of Parliament.

The Cabinet is composed, therefore, of the Prime Minister and of the Ministers so selected and who are sworn in as Ministers of the Crown; they administer the various departments of Government.

An order or decision of the Governor in Council means an order or decision of the Governor General made on the advice of the Cabinet. As the Governor General is constitutionally bound to accept the advice of the Cabinet, an order or regulation of the Governor in Council is in fact an order or regulation made by the Cabinet.

The Cabinet is in almost daily session, and any regulation made under the authority of a statute can, if necessary, be given the force of law within a matter of hours.

Regulations originate in the department responsible for the administration of the statute under which they are made, and these are put forward for enactment by the minister of that department. He must, therefore, accept responsibility in Cabinet for the regulations that he proposes, and, moreover, as regulations must be laid before Parliament as soon as possible after they are made, the Minister who initiated the regulations, as a member of Parliament, must also answer to Parliament for such regulations.

Carrying this a stage further, it follows that, being a member of Parliament, he is answerable to the electorate.

The argument that this safeguard is essentially a political safeguard and not one of reality or practicability, does not find ready support on the part of administrative officers whose responsibility it is to recommend to their respective Ministers the adoption of a particular regulation, and particularly where the subject matter may involve controversial issues, or where it is not likely to receive popular support.

It, of course, is perhaps unnecessary to add that the validity of any regulation is open to challenge in the courts and it frequently does occur that an issue involving either the constitutionality of a statute or its interpretation, will arise from a particular regulation being challenged. A good illustration of this is contained in the case of *Standard Sausage Co. v. Lee*, the text of which is reproduced at the end of Chapter 2. In that case, the validity of the Food and Drugs Act was brought into question through challenging a regulation made under its authority which prohibited the use of a preservative in sausage.

Having in mind the safeguards which attach to the making and administration of regulations, their advantages in the field of food and drugs is considered to outweigh any danger, either real or theoretical, which exists in the system under which they are made.

Since regulations have the force of law, and because the law theoretically at least, is always speaking, regulations should be articulate. This, regrettably, is not always the case, and in the multitude of regulations to be found in the Canadian legislative system, it is not difficult to find regulations that are not only unintelligible in meaning, but that are also hopelessly out of date.

For this reason, there has been passed in Canada, an Act known as "Regulations Act, Chapter 50, Statutes of Canada, 1950", which is intended to give some uniformity and direction to regulations. As part of the administration of this Act, regulations are required to be consolidated from time to time, and to be reviewed in connection with such consolidation.

While it is not a requirement of the Food and Drugs Act that regulations made under it should be preceded by any form of public hearing or enquiry, the policy of the Department of National Health and Welfare has been to ensure that proposed regulations are first discussed with the trade or industry that will be affected by them. This policy has a realistic regard for the principle that restrictive or sumptuary laws are difficult, if not impossible, of enforcement, if they do not enjoy the respect and support of those who are required to observe them.

Apart from this, the administration of regulations is greatly facilitated if they take into account trade, manufacturing and merchandising practices.

The primary purpose of regulations being the protection of the public health, and the prevention of dishonesty, they are not at all in conflict with the general aims and objects of industry. The policy, therefore, of discussing matters proposed to be covered by regulation, and to give effect as far as possible to the needs of industry, has tended to remove, or at least diminish any suggestion of bureaucracy.

Many of the regulations made under the Act are the result of suggestions from industry, and represent the joint efforts of industry and the departmental officials. The vitamin regulations which are contained in Part D to the Regulations under the Act may be cited as an example of this cooperative attitude.

While differences do exist as between departmental officers and members of the trade with respect to certain regulations, the field in which the greatest area of enforcement or administrative difficulty arises relates to advertising and label claims for food and drugs. The portion of the discussion that is concerned with advertising and labelling may, however, be a more appropriate place to deal with that feature, than the present.

The present Food and Drug Regulations became effective as of November 8, 1949, under the authority of Order in Council, P.C. 5670, and these have been subject to a number of amending orders as is indicated in the text of the Regulations themselves. (Part IV.)

The Regulations, as will be seen on examination, adopted a new and simplified form of division and numbering. They are divided into a number of parts each dealing with a subject, as for example, Part A with Administration, Part B with Food, Part C with Drugs, and Part D with Vitamins. The first letter of the reference to each regulation is to the part to which the subject belongs, the second reference is to the division of the Part, and the third to the section number of the division. For example, regulation A.01.001 means the first regulation in the first division of Part A.

CHAPTER 7—FOOD STANDARDS, ADULTERATION AND SPECIAL PROVISIONS

Standards and Adulteration

Adulteration of food and adulteration of drugs are separated both in the legislation as well as in subject matter, and this separation has been carefully preserved in the pattern of the Regulations. It is, therefore, possible in discussing adulteration to deal separately with the subject as it relates to food and as it relates to drugs.

The word "adulteration" which originally bore some relation to current practices at the time of its statutory adoption is, apart from definition, not particularly descriptive of its present use in the Act.

The word "adulteration" in the dictionary usage relates to the corrupt production of any article and especially of food and drugs. The Encyclopedia Britannica, in defining adulteration, says:

"Adulteration is the act of debasing a commodity with the object of passing it as, or under the name of, a pure or genuine commodity for illegitimate profit, or the substitution of an inferior article for a superior one, to the detriment of the purchaser."

Adulteration is however given a statutory meaning or definition in Section 4 of the Food and Drugs Act which provides as follows:

"Food shall be deemed to be adulterated within the meaning of this Act: if

- (a) any substance has been mixed with it so as to reduce or lower or injuriously affect its quality or strength;
- (b) any inferior or cheaper substance has been substituted wholly or in part for the article;
- (c) any valuable constituent of the article has been wholly or in part abstracted;
- (d) it consists in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased, animal or vegetable substance whether manufactured or not, or if it is otherwise unfit for food;
- (e) it is obtained from a diseased animal, or from an animal fed upon unwholesome food;
- (f) it contains any added poisonous ingredient, or any ingredient which may render it injurious to the health of the person consuming it, whether added with intent or otherwise; or
- (g) its strength or purity falls below the standard, or its constituents are present in quantity not within the limits of variability fixed by the Governor in Council as hereinafter provided."

It will be seen that paragraphs (a) to (f) are merely alternative ways of saying what is set forth in the dictionary definition of adulteration that is above quoted. All of these matters relate to the debasement or depreciation of a food and these are the factors which normally occur to one in using the word "adulteration" in relation to a food.

Wholly different considerations, however, arise in relating the provisions of subparagraph (g) to the use of the word "adulteration" and it is essentially with respect to this that the subject of food adulteration requires some detailed explanation.

In Chapter 5 dealing with the development of the Food and Drugs Act, the situation which eventually resulted in authority to prescribe food standards was fully discussed. It is not necessary to review this development beyond saying that the authority as originally given is substantially preserved in the present Act. Section 3(a) of the Act is the section which presently contains this authority and provides as follows:

The Governor in Council may make regulations

- (a) prescribing standards of quality for and fixing the limits of variabilities permissible in any article of food or drug the standard of which is not otherwise prescribed by this Act or the Meat and Canned Foods Act;

This, however, must be read or construed with the provisions of 4(g) which in effect provide that a food is adulterated if it differs from a standard that has been prescribed for it.

Effect of Section 4(g)

An entirely different concept of adulteration is therefore created by the provision that a food which differs from the standard is adulterated irrespective of the nature of such difference. In other words a food which may be nutritiously wholesome, palatable and perhaps even better in many respects than a standardized food, is nevertheless adulterated under the authority of Section 4(g) *infra* if it differs from the standard so prescribed. Because the bulk of the foods which are today sold are subject to standardization, the importance of this provision in relation to the authority of Section 3(a) to prescribe food standards becomes of fundamental importance.

Difficulties Under Section 4(g) and Section 3(a)

Many are the vexed and perplexing questions which the language of Sections 3(a) and 4(g) *infra* provoke. That they are inextricably related is clear, not only from their historical introduction into the legislation, but from their purpose. In addition to a grammatical as well as a clerical error in Section 4(g), which somewhat complicates its interpretation, it is unfortunate that the language of the subsections was not more carefully reconciled. The difference in the language, with the resulting complications, is, perhaps, best illustrated by a comparison of the text of the two subsections, as follows:

"3. The Governor General in Council may make regulations

- (a) prescribing standards of *quality* for and fixing the limits of variabilities permissible in any article of food or drug the standard of which is not otherwise prescribed by this Act or the Meat and Canned Foods Act."

"4. Food shall be deemed to be adulterated within the meaning of this Act

- (g) its *strength* or *purity* falls below the standard, or its constituents are present in quantity not within the limits of variability, fixed by the Governor in Council as hereinafter provided."

It thus appears that the words "strength" and "purity" which are used in Section 4(g) do not appear in Section 3(a). Section 3(a), however, uses the words "quality" referring to a standard which is not used in Section 4(g).

It is not made entirely clear whether the phrase "limits of variabilities permissible in any article of food" in Section 3(a) means

identically the same thing as the phrase, "its constituents are present in quantity not within the limits of variability fixed . . ." in Section 4(g).

Obviously they are intended to relate to the same thing, but whether the use of the word "constituents" in Section 4(g) introduces a new factor into the situation, is not entirely clear.

In addition to these points, there is regrettably no statutory definition given to words, such as "strength", "purity", "quality", "standard", "variability", etc. For conversational purposes, these words are, perhaps, sufficiently precise or descriptive to convey the meaning that is necessary. In a statute, however, that must find its constitutional support as a criminal law enactment, the use of narrative expressions with no interpretative meaning given to them, together with the difficulty of reconciling the phrases which have been mentioned, gives rise to a variety of problems.

Mention has been made of a grammatical and clerical error which can be found in Section 4(g) and before discussing other features of its relationship to the question of food standards, it may be useful to deal with these two points.

In looking at Section 4(g) a grammatical as well as an interpretive problem is immediately posed by the presence of the comma after the word "standard". This gives rise to the question whether the phrase "fixed by the Governor in Council" modifies the phrase "its constituents are present in quantity not within the limits of variability" or whether the phrase is intended to modify the portion which relates to standards as well as the portion which relates to limits of variability. The answer to this problem is found only upon examining the original statute in which the section appeared and which will be seen to have contained a comma after the word "variability" as well as after the word "standard", and accordingly read as follows:

"Its strength or purity falls below the standard, or its constituents are present in quantity not within the limits of variability, fixed by the Governor in Council as hereinafter provided."

This makes it quite clear that both portions of the section are governed by the phrase "fixed by the Governor in Council". Unfortunately in the process of re-enacting the legislation from time to time the second comma became lost and the section as it presently reads in the absence of some explanation presents at least a grammatical difficulty.

The next error is likewise an example of some carelessness in the subsequent reenactment of the section and relates to the word "hereinafter".

The word "hereinafter" as contained in Section 4(g) is quite meaningless because no authority is afterwards set forth in the Act authorizing the Governor in Council to fix standards or limits of variability for foods. Originally the authority to prescribe standards and to fix limits of variability was contained in Section 19 of the Act of 1890 and what is now Section 4(g) was originally part of Section 2. At that time the word "hereinafter" as used in Section 2 in relation to an authority given in Section 19 was proper. In the legislative

process of reenacting and rearranging the various provisions of the Act, the effect of the word "hereinafter" was overlooked and as it is used in Section 4(g) it has no meaning at all.

What judicial interpretation or effect might be given to the omission of the comma, as well as to the inappropriate use of the word "hereinafter" involves a nice problem of statute law interpretation.

"Purity", "Strength", Etc.

In addition to these two points, it may be appropriate to mention again the use of certain of the other phrases or words which are contained in the related sections and which are not given any definitive meaning. The words "purity", "strength" and "quality" amongst others, become of great importance in deciding whether a food is or is not adulterated within the meaning of this section. Obviously in using such words the draftsman had under consideration the sophistication of staple foods and possibly of alcoholic beverages. Without complicating the picture unnecessarily, it is significant that the Act at that time also dealt with agricultural fertilizers and contained special provisions respecting the adulteration of liquor and with the possession of certain deleterious substance which might be used for adulteration.

These latter included opium, cayenne pepper, picric acid, Indian hemp, strychnine and tobacco, amongst others. It is perhaps not surprising that with such a conglomeration of subject matter that the words "strength" and "purity" may have been used for a meaning and a purpose that is no longer applicable in terms of present manufacturing and merchandising practices. These words, whatever meaning they originally may have intended to possess, are singularly inappropriate to describe processed foods which constitute the bulk of the foods sold today.

The word "purity" is perhaps less objectionable than the word "strength". In discussing the adulteration of food the word "purity" has some generic significance, but whether it means legal purity as prescribed in a food standard or purity from the point of view of food chemistry is not clear. The word "purity" before the advent of processed foods was perhaps descriptive of an ideal. Exactly what it means today is hard to imagine and particularly so as Section 8 of the Act prohibits the word "pure" or words equivalent to it in connection with any food which is a "compound mixture, imitation or a substitute". As the majority of foods today are at least mixtures or compounds, it is difficult to give to the word "purity" a precise, logical or legal meaning in the Act.

The difficulties in giving a meaning to the word "purity" as applied to modern foods, is even more accentuated in attempting to give a meaning to the word "strength". Apart from certain commodities, such as vinegar and alcoholic beverages, the word "strength" does not have any particular meaning. It is not likely that the draftsman in using this word had in mind commodities such as butter or cheese and it is therefore unfortunate that if this word was to be used and retained, it was not given some statutory meaning which would be realistic in terms of modern foods.

There is no doubt but that the development of processed foods with discoveries in the field of nutrition and chemistry have brought about a situation that could not have been contemplated at the time

the standard-making authority and the provisions of Section 4(g) were first considered. The difference between the situation then and today raises many questions as to the legal meaning and intent of the authority as well as to the interpretation to be given to certain words used in the sections that are under discussion.

Words, therefore, such as "strength", "purity", "quality", "constituent", "standard" and "variability" give insufficient guidance as to their interpretation and to the legal meaning to be ascribed to them. In the absence of legal definitions of these words, the law requires that they be given their dictionary meaning. While this perhaps may have been satisfactory when they were first used some sixty years ago, and while it may be satisfactory in general conversation, their use in a criminal law enactment without precise definition must inevitably give rise to difficult and complicated questions of interpretation.

Two Questions of Interpretation Under Section 4(g)

Amongst the many interpretative problems which arise in relating the requirements of Section 3(a) to Section 4(g) there are two that, until given a judicial answer, must continue to plague the manufacturer as well as the administrator.

The first of these is whether or not a standard that is prescribed under the authority of Section 3(a) is exclusively definitive of all ingredients that such food must contain and of their proportions, or whether it is definitive only of minimum requirements. The second arises out of the first and invites the further question whether a food for which a standard is prescribed may be varied by the addition of an ingredient, the omission of an ingredient or by different proportions of the prescribed or other ingredients provided the variation is mentioned by a descriptive label declaration.

It is unfortunate that the statute did not, as it was originally enacted, or since, adopt language which would put the answer to these questions beyond argument and doubt.

In Canada, the answer to the first question has not been judicially settled as it has in the United States in the judgment of the Supreme Court in what is generally referred to as the *Quaker Oats* case (*Federal Security Administration v. Quaker Oats Co.* 318 U.S. 218), in which it was held that the name and the composition of a standardized food are exclusively appropriated to the product and that any deviation therefrom not authorized by the regulation constitutes an illegal violation of the standard. This, irrespective of the purpose of the departure, and whatever its benefit may be in terms of nutrition.

This is the administrative view that has been taken of the comparable authority in the Canadian Act, and accordingly a standard is considered to be exhaustively definitive of the ingredients of the food composing it and of their proportions.

In referring to the American jurisprudence in this connection, it will, of course, be appreciated that the Food and Drugs Act in Canada does not rest upon the same constitutional grounds as does the Food, Drug and Cosmetic Act of the United States. In Canada, its basis, as has been so frequently stated in this compilation, is that of criminal law, and in interpreting the provisions of a criminal enactment, the rules of strict construction are of necessity involved. The difficulty,

however, which is seen in the language of Section 4(g) is not one so much of the constitutionality of the regulations or of their purpose and intent, but rather one of reconciling the language of Section 4(g) to a situation in which a food for which a standard is provided deviates in some particular from that standard.

There would seem to be no question but that the language of Section 3(a) contemplates exclusive standards for foods, both as to constituents and their proportions. A standard of quality for a food, with limits of variability permissible, can mean only a "legal recipe" listing the ingredients which a food is expected to contain, and giving some direction either as to the proportions of the ingredients or some leeway to take care of a needed tolerance, with respect to those proportions. The Canadian Act, unlike its United States counterpart, does not also use the expression "standard of definition" or "identity" and there has never been in the interpretation of the words "standard of quality" in Canada, any attempt to narrow the word to mean only "definition", "identity" or "composition". It has always been interpreted so as to include one or other, or all three of these attributes as may be necessary in accordance with the commodity and the context. Here, perhaps, is an instance where the grammatical or dictionary meaning of the word "quality" is happily descriptive of what undoubtedly is intended for its legal meaning. The use of the dictionary meaning avoids precise or technical distinctions between what are undoubtedly attributes of the same subject, frequently overlapping and not always capable of logical division or sharp distinction.

In the absence of some judicial determination to the contrary, the administrative interpretation may be accepted and the standard for a food considered to be exclusive within the terms of the standard of its ingredients and their proportions.

Indeed, any other view would render meaningless the purpose of food standards. These can only be regarded as proper if they are considered as assurances to the consumer of the integrity of named foods in terms of their ingredients and the proportions thereof.

If they do not exclusively appropriate for named foods the "legal recipe" therefor, by naming the ingredients and their proportions, such an assurance of consistency and integrity could not be given, and their validity in criminal law would be questionable.

In examining the provisions of Part B of the regulations which deals with foods, attention should also be given to a regulation contained in Part A as A.01.002, which provides that "where applicable the provisions of these regulations prescribe the standards of quality for and fix the limits of variability permissible in the food or drug to which they refer."

This regulation is considered to be necessary, because the regulations are not, in all instances, limited to matters which might be considered to come within a standard, but frequently extend to and include matters of labelling, packaging, various kinds of testing, amongst others.

An examination of a number of regulations will indicate their purpose, both in setting up standards of quality, prescribing limits of variability, dealing with packaging, labelling, and administrative matters, as well as providing an assurance to the consumer of the integrity of the product and a guide or specification to the manufac-

turer, as to the things he is required to meet. It is unnecessary to emphasize that regulations respecting food standards should be intelligible and informative rather than only legalistic.

Coming back to the second question which arises as to whether a label declaration can legalize a variation from a food standard, there are many factors involved which make a categorical answer one of considerable difficulty and one which may even vary, depending upon the circumstances, including the food, in respect of which the question arises. It is in this connection that it is necessary to reconcile a standard as prescribed under Section 3(a) to the departure from such standard as sanctioned under Section 4(g). Many difficulties are immediately encountered.

In the first place, it may be considered that the provisions of Section 4(g) belong rather to the field of misbranding rather than to adulteration. It will be recognized, however, that in 1890 when this section first made its appearance in the legislation there was no such thing as misbranding, and the section was accordingly placed amongst the provisions of the Act to which it had the closest relationship. This was perfectly logical, bearing in mind the kind of adulteration which was then rife. Today, to describe as adulterated a food which differs in some particular or other from the prescribed formula is neither realistic nor does it properly describe the situation.

Perhaps only the provisions of subparagraphs (a) to (f), inclusive, of Section 4 (*supra*) truly relate to the things which normally are involved in adulteration. Adulteration may, of course, incidentally arise in departing from a food standard. If it is in respect of one of the matters provided in sub-paragraphs (a) to (f) then it is adulteration *per se* and not specifically because it violates the standard. It is perhaps difficult to conceive of a true adulteration in terms of 4(g) which would not also be adulteration *per se* under sub-paragraphs (a) to (f). For these reasons, it would not appear that the violation of a standard which does not otherwise come within some provision of the remainder of Section 4 is as accurately described as an adulteration as it would be as a matter of misbranding.

It is perhaps the unfortunate position which Section 4(g) occupies that gives rise to the greatest difficulty that is encountered in relating it to Section 3(a).

Differences between the language of Section 3(a) and Section 4(g), add to the confusion. Section 4(g) uses such words as "strength", "purity", and "constituents", which are not contained in Section 3(a). It moreover uses the word "standard" alone instead of the phrase "standard of quality", which is the essential phrase contained in Section 3(a). It may, however, be considered as to the latter, that the word "standard" and the phrase "standard of quality" mean the same thing. This, however, does not resolve the other differences which are mentioned.

A more serious question arises as to whether any deviation from the standard is a violation or only where, because of such deviation, the strength or purity of the food in question falls below the standard. The meaning to be given to the words "strength" and "purity" therefore becomes of importance because it would be difficult to bring many additions or variations within these words except by unduly straining their meaning.

Again, a question arises as to whether the phrase "constituents are present in quantity not within the limits of variability", means the same thing as "fixing the limits of variability permissible in any article of food. . . ." If the standard fixes limits of variability permissible in a food, then the omission of a prescribed ingredient or differences in such limits may come within the phrase commencing with the word "constituents". While the omission of an ingredient or differences in prescribed limits might therefore come within the phrase as used in Section 4(g), must it also follow, that the addition of an unnamed ingredient does so? Assuming all the ingredients required in the standard are present in their prescribed quantity can it be said that the addition of an ingredient brings the food within the phrase "its constituents are present in quantity, etc.". Can the omission to authorize or to require an ingredient be interpreted to mean that it is a constituent having a prescribed limit of variability of zero, and therefore its presence at all violates the limit of zero?

Interesting arguments can be raised respecting this, and particularly where the addition does not in any grammatical or dictionary sense lower the strength or affect the purity of the food.

Apart from the above, a strong argument might undoubtedly be made that because the purpose of the Act is limited to the protection of the public health and the prevention of fraud, questions of adulteration must be confined essentially to matters of health, and questions of fraud must relate to misbranding, labelling and advertising. If, therefore, the adulteration in question, does not involve the depreciation or debasement of the article such as would normally be the case in adulterating a commodity, is the variation of the recipe completely met in terms of the criminal law by a label disclosure? This is a difficult question to dismiss, and particularly having regard to the criminal law principles on which the legislation must rest. That the statute does place considerable reliance upon label information is apparent from a number of its provisions which deal with question of labelling and the information to be given to the public. It would be, therefore; a curious situation in a criminal statute to say that the addition of an ingredient to make a food more nutritious or wholesome is adulteration or involves deception of a kind that cannot be overcome by a label disclosure of the addition. This would seem to be a complete negation of the recognized purpose of label information and one that is difficult to rationalize in terms of other of the sections of the Act, and particularly the provisions of Section 8.

It is perhaps not altogether an answer to say that a great deal of this difficulty arises from the fact that the purposes of the provisions of Section 4(g) do not properly belong in that section but belong rather in the section which deals with misbranding. The Act must be construed and interpreted as it stands and not as a person might, from a particular point of view, desire it to stand.

It is not the purpose of this discussion, however, to suggest arguments for or against the use of a label declaration as being sufficient to meet the requirements of a criminal law enactment. The point is, however, fundamental in any reconciliation of compliance with a food standard and the sanctions of the law for non-compliance.

In considering this argument one must also have regard to the circumstances of the variation as well as their purpose. While there can arise cases where it would seem that a sufficient label disclosure

would completely meet the element of criminality involved in deception, the general question cannot be so settled. Having regard to the purpose for which a food standard is prescribed, and to the question of the integrity which it is by statute, intended to have, the reason for a departure from the standard is perhaps sufficient to beg the question. When it is desired to depart from a standard a great deal is invariably said in support of such departure that the purpose is to enhance or improve the product, or that the legal recipe is too restrictive on the manufacturer. For every such bona fide situation there can be found numerous instances where the purpose of the variation is a form of economic cheating which the consumer could not detect and where the disclosure would either be meaningless or one of calculated ambiguity.

In the latter connection, a good illustration is provided in the case of *Pearks, Gunston and Tee Ltd. v. Houghton* (1902) 1 K.B. 889. The facts in that case were that butter was blended with milk in such a way as to retain some 24% of moisture, being an excess of 8% over the normal moisture content. This would correspondingly result in a reduction of the butter-fat content. There was placed in the shop in which this was sold, a notice as follows:

NOTICE

"Pearks' butter as sold at this establishment is choicest butter blended with English full cream milk by new and improved machinery whereby it retains about 20-24% of moisture and acquires that delicacy of flavour which has made Pearks' butter so famous."

Whether such a notice can be said truthfully to inform the customer of what he is actually getting as compared with what he might reasonably expect to get when he purchases butter, needs no elaboration. By the same token, would a statement on the label of a package of butter that the butter-fat content is warranted to be 60% mean anything to the average customer. Even though the label also stated that the standard for butter-fat was normally 80% and that the butter in question in the package contained 60%, would the information be adequate. Would the average consumer know whether the reduction from 80% to 60% was a good thing or a bad thing. It could, and in all likelihood would be phrased as in the case of Pearks' butter in such a way as to create in the mind of the purchaser the idea that he was getting a better article.

The argument that is usually advanced in support of a label declaration rests on some claimed improvement in the product. Is it proper, however, that the question of dubious improvements be left to uninformed consumer's decision or to the not always unbiased choice of the manufacturer? Is it not better that this be left to the impartial procedure involved in bringing about a change in the regulatory law? In terms of consumer protection, there can be little answer to this. If, therefore, a standard is to be synonymous with an assurance of prescribed ingredients and their proportions, the addition of other than a prescribed ingredient or the omission of a prescribed ingredient or variation in the proportion of ingredients, however well-intentioned or beneficial they may be, cannot but affect that absolute assurance in the quality of the food.

The confusion to the consumer in buying a standardized food and finding that the label declares the presence either of an added ingredient intended to give some extra advantage or, as would be even more confusing, declares the omission of an ingredient, may well be imagined. However factual the declaration may be, can it put the consumer on an equal footing with the manufacturer?

In relation, say, to mayonnaise, would the phrase, "warranted not to contain vegetable oil" truthfully inform the purchaser of the economic consequences of the omission of oil which in all mayonnaise recipes is regarded as an essential ingredient.

The situation may well be otherwise when two standardized foods are brought into combination and here a label declaration may well be sufficiently informative. Illustrations of this lie in the case of mixtures of vegetables, of fruits, meat with vegetables, beans with weiners, amongst other things. This is, however, different from a variation in the designated ingredients of a food or their proportions. This is particularly so as a variation today is likely to involve not the use of another wholesome food but a synthetic ingredient, an artificial flavour, colour, preservative, or some chemical additive. For these, amongst other reasons, it would seem that the better argument and the one which the intent of the section clearly supports, is that a label declaration may not legally justify a departure from a food standard.

It will be observed that the Act does not, except in Sections 5 and 10, deal with a food by its name. Section 5, however, does mention milk, and Section 10 vinegar.

The reasons for the exceptions which are contained in these sections are not too clear, and, while not of great importance or significance in the legislation, they merit some mention.

The provision in Section 5 that any adulteration of milk shall be deemed injurious to health, has undoubtedly some historical basis, inasmuch as the adulteration of milk was one of the motivating forces which resulted in the establishment of food standards. Exactly what this provision means in relation to Section 4(c) in terms of modern methods of production, processing and distribution of milk is not easy to explain. Section 4(c) provides that a food is adulterated if any valuable constituent has been in whole or in part abstracted. This in terms of milk possibly made some sense in the early days when the consumer purchased milk direct from the producer in the form in which it came from the cow and where the skimming of the milk prior to reaching the consumer would really have come within the section. Where, however, milk in urban areas is brought in from the milk-sheds and skimmed with subsequent reconstitution to the desired butter-fat content, a different situation has arisen. Literally, the practice normally employed today might be considered as coming within the provisions of Section 4(c), and if so, Section 5 would apply. It may be considered, however, that the sections should not be so construed as to lead to such an absurd result. It, moreover, is not a result that is necessary for the purpose of the Act nor is it desirable. Common sense must, therefore, have some place in the interpretation of the Act if absurd and unnecessary consequences are to be avoided. Would the presence of a worm in an apple or in a fig bring the food within Section 4(d)? Similarly, are cheeses which undergo some

bacterial process or action before being considered edible adulterated within 4(d). Fortunately, practical difficulties have not arisen with respect to these points, but they are mentioned to illustrate the need for practical and common-sense interpretations if the law is to be given effective administration. It may also be arguable as to whether the provisions of Section 5 do accomplish more in terms of protecting the consumer than could be accomplished under the normal application of Section 26.

The reason for mentioning vinegar in Section 10 is even more obscure than in the case of milk and more difficult to justify. It can only be regarded as protective legislation and if so, the comments of the Judicial Committee of the Privy Council in the *Margarine Reference* case are very much in point. If it is not protective legislation, then it is difficult to understand its purpose. In effect, it overrides Sections 8 and 9, which specifically deal with limitations, compounds, mixtures and substitutes. With proper labelling, there is nothing contained in Section 10 which could not equally well be taken care of by regulation. For example, consider the provisions of B.18.025-27 which deal with honey in terms of ensuring its purity.

It might even be argued that blended vinegar as is authorized by Division 21 of Part B is a vinegar mixture and if so its use would be prohibited under Section 10.

In legislation which deals with food generically, the mention of any specific foods for particular prohibition or control cannot, except for the most compelling reasons, be other than objectionable. An undue emphasis is often put on features of a particular food which perhaps have but a local or temporary need but once having found a place in the legislation become difficult to remove or to rationalize as conditions change. The reference to these two commodities is important only in pointing out the objection to references in legislation to named foods as well as to the lack of necessity for singling out any food for special mention.

Food Regulations

While a detailed discussion of all of the food regulations is not possible, some general observations as well as reference to certain of the regulations may be useful. Amongst the matters which are dealt with by regulation over and above the establishment of standards or the actual list of ingredients which are required in standardized foods, are prohibited ingredients, the use of colour, of preservatives, of flavour, as well as special conditions of sale. These matters will be dealt with broadly as follows:

Prohibited Ingredients

It is not usually considered necessary expressly to prohibit an ingredient because, unless its presence is permitted, it is deemed to be prohibited. This does not, in all cases, cover adequately the use of ingredients in foods and particularly in foods for which no standard has been provided. There have, accordingly, been enacted certain prohibitions. Two or three of these may be mentioned, as for example the use of mineral oil (see Division 1 of Part B), the use of synthetic sweeteners except under certain conditions (see Division 19 of Part B), and the use of estrogenic substances in the feeding of poultry intended for human consumption (see Division 24 of Part B).

Food Colours

Division 6 of Part B of the regulations prohibits the use of any colour other than one prescribed therein. This follows the pattern of the United States legislation, insofar as coal-tar colours are concerned, through the establishment of a list of safe colours, and permitting only the use of such colours. This, however, differs from the British legislation which does not establish a list of colours but rather establishes a list of substances from which colours may not be obtained. There does exist, therefore, a considerable measure of uniformity between the United States and Canada in the matter of colour, which does not necessarily prevail with respect to colours as used in the United Kingdom. The uniformity as between Canada and the United States is further preserved because the list of food colours in Canada is adjusted from time to time to that of the United States.

The restriction on the use of other than specified coal-tar colours, does not, of course, affect the use as is permitted by regulation of natural colours or certain artificial colours such as caramel and specially purified carbon blacks.

Certain foods are permitted to contain added colour without label declaration, although this is usually required. The foods which do not need to declare the presence of added colour are foods such as butter, certain cheeses, ice cream, bakery products, candy, etc.

Preservatives

Division 16 of Part B, deals with preservatives and provides that none other than permitted preservatives may be used, and in the case of a standardized food only if the use of the preservative is authorized. When permitted, the presence of the preservative is generally required to be declared, but the various food standards would need to be examined with some care in connection with the use or otherwise of preservatives, the class of preservative involved, as well as the necessity or otherwise to declare its presence.

Flavour

Division 10 of Part B contains the provisions relating to the use of flavour. In a standardized food it may not be used unless permitted as an ingredient. Usually its presence must be declared, but certain exceptions are provided in the Division. It will be observed that a distinction is made between a fortified flavour and an artificial or imitation flavour. A fortified flavour is a flavour to which has been added a fortifying ingredient in order to point up the particular flavour.

Cheese-holding Regulations—Special Conditions of Sale

These regulations are amongst the most difficult to enforce as well as the least understood and therefore merit some explanation. A number of typhoid epidemics had been traced directly to the use of infected and contaminated cheese and as a public health measure, on the recommendation of the Dominion Council of Health it was considered essential to make some provisions which would reduce this danger. Division 8 of the Regulations which deal with dairy products accordingly requires hard-pressed or cheddar cheese to be held under controlled temperatures for a designated period before being cut for sale. This holding period, together with the temperatures which are

specified in the regulations, are sufficient to destroy any bacteria and to make consumption perfectly safe. Cheeses that are pasteurized, of course, are not subject to this holding period nor does it so far apply to certain other soft cheeses which may not in all cases be pasteurized. The hard-pressed as well as the pasteurized cheeses, however, constitute the bulk of the cheeses that are manufactured. Lack of definition of the phrase "hard-pressed", has made the administration of this regulation somewhat difficult and in a later revision of the regulations undoubtedly this, as well as other features of the cheese regulations, will be re-examined.

Consideration is being given at the time of writing to a revision of the cheese-holding regulations. This may extend to all cheeses that are not pasteurized or are not made from pasteurized milk. The regulation will likely prohibit absolutely the sale to the general public of a cheese that has not been held for the required time, or which is not made from pasteurized milk. The onus in such case might well be upon the retailer who generally is required to guarantee that the products he sells fulfil the requirements of the law.

Space does not permit of more elaborate discussion of other of the food regulations, but perhaps the above are amongst those of general interest as well as sufficient to illustrate the matters which are taken care of by regulations apart from the actual designation of food ingredients.

CHAPTER 8—DRUG STANDARDS, ADULTERATION AND SPECIAL PROVISIONS

The situation as regards drugs, while it is one of some complexity, does not leave the same room for argument with respect to many questions as is the case respecting foods.

It is, therefore, possible to give more precise or categorical answers to the majority of the questions involving the manufacture or sale of a drug, than is the case of a food.

The relevant sections of the Act respecting drugs are contained in certain of the provisions of Section 3 and in Section 6 respectively, as follows:

“3. The Governor in Council may make regulations—

- (a) prescribing standards of quality for and fixing the limits of variabilities permissible in any article of food or drug the standard of which is not otherwise prescribed by this Act or the Meat and Canned Foods Act;
- (h) adding to or removing from Schedule B such material as may be deemed by the Minister to be necessary in the public interest;
- (j) prohibiting the sale or defining the conditions of sale of any substance which may be injurious to health when used as a food or drug or restricting in like manner its use as an ingredient in the manufacture of food or drug;
- (k) defining the conditions of sale of any drug in the interest and for the protection of the public health.”

“6. (1) Every drug shall be deemed to be adulterated within the meaning of this Act if its strength, quality or purity falls below the professed standard under which it is sold; or if, when offered or exposed for sale under or by a name,

- (a) recognized in the latest edition of the British Pharmacopoeia;
- (b) recognized in the latest edition of any foreign pharmacopoeia; or
- (c) is not recognized in any pharmacopoeia but is found in some generally recognized standard work on materia medica or drugs; it differs from the standard of strength, quality or purity laid down therein.

- (2) Unless a drug is sold in such manner as plainly to indicate that its quality is to be judged by an authority other than the British Pharmacopoeia, and such authority is named, it shall be deemed to be adulterated unless it conforms to the standard of strength, quality and purity for such drug as defined by the latest edition of the British Pharmacopoeia.

- (3) Notwithstanding subsections (1) and (2), the Governor in Council may make regulations respecting any or all of the drugs mentioned or described in Schedule B,

- (a) prescribing standards of quality and potency;
- (b) defining official methods for biological testing, which methods shall permit manufacturers to have biological tests made in any laboratory;
- (c) providing for the licensing of manufacturers preparing drugs mentioned or described in Parts II and III of Schedule B;

- (1) providing for the inspection of premises, equipment and technical examinations of the staff of manufacturers preparing drugs mentioned or described in Parts II and III of Schedule B;
 - (2) requiring that manufacturers of drugs mentioned or described in Part IV of Schedule B submit test portions of each and every batch of such drugs to be tested in the laboratories of the Department of National Health and Welfare, and requiring that only approved batches may be imported, sold or offered for sale;
 - (3) prescribing a tariff of fees for inspection, licensing and biological testing;
 - (4) Any drug mentioned or described in Schedule B in this Act shall be deemed to be adulterated if it has not been manufactured, tested and labelled in accordance with regulations made by the Governor in Council under this section, or if it differs in quality or potency from the standard for such drug established by such regulations.
- 1920, c. 27, s. 4; 1927, c. 56, s. 2."

Three Classes of Standards

It will be seen on an examination of these provisions that three different formulae are provided for establishing the standard of quality of a drug.

The first is contained in Section 3(a) which authorizes the Governor in Council to prescribe a standard of quality for any drug.

The second is contained in Section 6 which sets forth the criteria by which the standard of a drug is to be determined, and in the absence of specific reference to another standard provides the British Pharmacopoeia as the official standard.

The third is contained in sub-paragraph (a) of subsection (3) of Section 6 which authorizes the Governor in Council to prescribe standards of quality and potency for any or all of the drugs mentioned or described in Schedule B to the Act. Schedule B contains a list of drugs and Section 3(h) provides for the list being changed as may be necessary in the public interest.

In connection with a standard so fixed, subsection (4) of Section 6 becomes most pertinent, because it provides that such standard, overrides all other standards and becomes the only standard for such drug legally recognized in Canada.

Perhaps it may be appropriate to discuss more fully these three categories in the order in which they appear in the Act.

Standards Under Section 3(a)

The authority which is contained in Section 3(a) is not frequently invoked. Historically, this authority was given in 1890 at which time Section 6, as it authorizes drug standards was not in the Act. Apart from the standards recognized by the statute such as the British and United States Pharmacopoeias, Section 3(a) was the authority under which standards were authorized.

The phrase in the present Section—"Not otherwise prescribed by this Act or the Meat and Canned Foods Act", perhaps requires some explanation.

The portion of the phrase—"By this Act" was originally in the Section and referred in authority in the Act by which official standards, such as the British Pharmacopoeia were provided. The authority,

therefore, to make regulations was not intended to override the official standards as were established in the Act, but to authorize standards for matters not dealt with in those official standards.

Subsequently, with the passage of the Meat and Canned Foods Act, the phrase "or the Meat and Canned Foods Act" was added to the section. This has no relation to the authority respecting drugs, as is contained in the section. It might well perhaps have been considered by the draftsman as an appropriate time to re-phrase the section, but this was not done.

In view of the overriding authority which is contained in Section 6, the authority to prescribe standards for drugs under Section 3(a) is used only for particular purposes and then usually for drugs which are not of the kind that are contained in Schedule B. For example, regulations C. 01.007-8 which establish limits of variability for tablets and ampoules are under this authority. Likewise, the vitamin regulations, insofar as they establish standards of quality and limits of variability, are also under this authority.

Standards Under Section 6(1)

Turning now to the second class of standards, namely, those established by subsection (1) of Section 6 (*supra*) there is little detailed explanation required. This merely sets forth an order or precedence for drug standards, and provides in subsection (2) that in the absence of a drug being plainly marked, as meeting another standard, that the standard of the British Pharmacopoeia shall be deemed to be the standard under which it is sold. If the drug, therefore, does not meet that standard, it automatically is deemed to be adulterated.

Whether in this case it is truly adulterated or whether it may, under certain circumstances, involve rather a matter of misbranding, is, perhaps, not as important as is the case with foods. There may be no logical difference in describing a food as adulterated when it should be considered as misbranded and a similar situation with a drug. For some reason or other, the same considerations at least do not seem to present the same degree of absurdity. In this connection see also subsection (4) of Section 6.

Standards Under Section 6(4) and Schedule B

The third category of standards has, for practical purposes, replaced the necessity for the authority in Section 3(a). An examination of Schedule B to the Act will show the kinds and classes of drugs that are mentioned or included in it.

These are divided into five parts in accordance with their subject matter and each of the drugs that are named or included, are subject to special regulations. Any such drug, therefore, is, pursuant to subsection (4), adulterated if it does not conform to the subject matter of the regulation which has been made respecting it. This is so, notwithstanding that such drugs may conform to the standard or other requirements of one of the authorities named in section 6, such as a pharmacopoeia or recognized medical work.

Subsection (4) of Section 6 also provides that a drug to which it applies shall be deemed to be adulterated if it has not been labelled in accordance with regulations. This is a curious use of the concept of

adulteration, because clearly, such a drug should be considered as misbranded or falsely described if it does not bear the label that is prescribed for it. The point is, perhaps, not of great importance and it may be that with the somewhat liberal interpretation given to the word "adulteration" in the Act that it becomes convenient to classify all breaches of the regulations respecting a drug as adulteration, rather than create new phrases as descriptive thereof.

The importance of Schedule B and of the regulations that have been made for the drugs therein mentioned under the authority of Section 6(3), cannot be over-emphasized. These regulations should, however, be individually consulted, and it is not considered necessary in this discussion to deal with any of them in detail.

Licensing

Before leaving Section 6(3) and Schedule B, a word of explanation may be useful with respect to the licensing provisions which are authorized. Subsection 3(c) authorizes the licensing of manufacturers preparing drugs mentioned or described in Parts II and III of Schedule B. The regulations which have been made set forth in detail the licensing requirements.

Licenses are issued for a twelve-month period and are subject to cancellation or suspension at any time. The issue and validity of a license is conditional on the inspection of the establishment in which the drugs are to be made, and of the continued maintenance of such establishment under the direct control and supervision of a responsible and qualified person, the professional and technical qualifications of the personnel employed, the principles of manufacture, and the design of the plant. Licenses are also conditional on satisfactory records being kept of the manufacture, testing, disposition and distribution of each lot or batch of a drug which is manufactured. The Minister may require the manufacturer to withdraw from sale, any product that, in his opinion, is deficient.

These licensing regulations, as from time to time revised, have been in force for a number of years, and have met not only with the co-operation of the trade, but also with its approval.

Enforcement of the sanctions, as provided in the regulations in the matter of cancellation or suspension of a license, are extremely rare. With the administrative control that is required through keeping of records, in the few instances in which an unsafe drug entered the market, it has been possible to provide sufficient warning to stop its sale and withdraw supplies before any known harm resulted.

Before concluding the discussion of Schedule B, attention is again drawn to the provisions of Section 3(h) which provides authority to add to, or remove from Schedule B, "such material as may be deemed by the Minister to be necessary in the public interest". This in simple language is merely authority to enable Schedule B to be kept up-to-date and to be amended in such a way as the public interest may demand.

Special Conditions of Sale

Turning next to another important feature of the drug provisions of the Act, attention is directed to subsections (i) and (k) of Section 3. It is under the authority of these subsections that regulations have

been made imposing restrictions on the manufacture or sale of certain drugs. Of the restrictions so made, two are of special interest and importance. The first of these relates to limits of dosage of certain drugs unless sold on prescription, and the second to the sale of drugs on prescription.

Limit of Dosage

Appendix II of the Regulations lists a number of drugs for which it is considered necessary to establish dosage limits, both for external as well as internal use. If the dosage limit exceeds the limit as set forth in Appendix II then it may only be sold on prescription. (See Regulation C.01.021.) If, of course, the dosage is within the limits as set forth in Appendix II, then its over-the-counter sale is authorized under the Act. The drugs shown in this appendix are the same as those shown in the Schedule to the Proprietary or Patent Medicines Act and while that Act does not prescribe dosage limits in such drugs except by direction of the Advisory Board, that is established under it, that Board adopts the limits of Appendix II. The schedule to the Proprietary or Patent Medicines Act and Appendix II are, therefore, directly related.

Prescription Drugs

The next restriction applies to the drugs which are listed in Appendices IV and V and in respect of which their sale to the general public is authorized only on prescription.

A prescription is defined to mean an order given by a practitioner directing that a stated amount of any drug or mixture of drugs specified therein be dispensed for the person named in such order. (See Regulation A.02.016.) Practitioner as defined by Regulation A.02.020 means a person authorized by the law of a province of Canada to treat patients with any drug named or included in Appendices IV and V.

It will be seen from Regulation C.01.041 which deals with prescription requirements that a prescription can be in writing or verbally given but if the latter, then there is certain detailed information which the dispenser must record and retain. It will also be seen that the regulations make provision for the refilling of a prescription only when the practitioner so directs.

The regulations do not require a prescription in the case of a sale to drug manufacturers, practitioners, wholesale druggists, retail druggists, bona fide hospitals and to departments of government. The practical result of the regulations, therefore, is to prohibit except on prescription the sale of these drugs to the public for human use. The drugs which are set forth, however, in Appendix V may be sold without a prescription if the drug is in a form not suitable for human use or if it is clearly marked "For Veterinary use only". This is dealt with in Regulation C.01.047. This exemption does not extend to the drugs which are set forth in Appendix IV and these, even if for veterinary use, require a prescription. It will be seen that these drugs are of the hypnotic or stimulant variety.

The next point that might be noted involves restrictions on advertisements to the general public with respect to Appendix II drugs containing an amount of the drug named or included therein that is in excess of the limits prescribed. These comments generally cover the requirements of the Canadian federal law as it imposes restrictions on the sale of or advertisement for certain drugs.

For a further discussion of prescription drugs, see Chapter 4 under the heading Provincial Pharmacy Legislation.

The reason for Section 3(k) in addition to Section 3(j) may again be mentioned. Certain of the antibiotics which were not known to have any toxicity could not be placed on a prescription basis under the authority of Section 3(j). Accordingly, Section (k) was added in 1946 so as to authorize the prescription requirements being made applicable to drugs where the interest of the public health might indicate that such a condition was desirable and where the provisions of Section 3(j) might not provide the necessary authority.

Penicillin was the drug at that time, which necessitated this amendment.

It will be seen that in the case of Penicillin, a further exempting provision is made in the case of troches containing not more than 3,000 international units per dose. These troches may, therefore, be sold without prescription.

New Drugs

The next feature of the drug regulations to be mentioned relates to what are usually referred to as "new drugs". These are drugs which are new, either in the sense of being newly discovered drugs or chemical combinations of drugs, or drugs which are recommended for purposes for which their use is not generally recognized. The regulations respecting new drugs commence at Regulation C.01.301.

It will be noted that no permit or approval is required or obtained for a new drug. In this respect, the situation differs from that in the United States. Under the authority which is contained in subsections (j) and (k) of Section 3, it is considered that with the information which must be furnished in connection with a new drug, adequate regulations can be made respecting any special conditions which its use may make necessary before it enters commerce. The regulations, therefore, require the furnishing to the Minister, within a designated period prior to commercial introduction of a new drug, information concerning its recommended uses, the tests which have been made on which its safety can be determined, as well as other matters, including a copy of the proposed label. From this information, the necessity or otherwise of placing the drug on prescription control, or of imposing any special labelling or other conditions, can be considered, and within the time that is provided, there is ample opportunity to devise appropriate regulations as well as to discuss them with the groups that may be interested.

Vitamins

A further special class of drugs which should be mentioned in this discussion is—vitamins. Part D of the regulations contains special provisions respecting vitamins and deals with matters of standards and potency, as well as with advertising and label claims. The bulk of these regulations are concerned with advertising and labelling, and therefore it is more appropriate that the discussion of vitamins should be included in Chapter 9 dealing with Misbranding, Labelling and Advertising of Food and Drugs.

Cosmetics

The next feature of the drug provisions relates to cosmetics. It will be seen that the definition of a drug as it was amended in 1939,

adds the words "any cosmetic". A cosmetic is defined by Section 2(k) of the Act as

"any material intended to cleanse, improve or alter the complexion, skin, hair or teeth; and shall include deodorants and perfumes";

The inclusion of cosmetics in the definition of a drug is not infrequent in food and drug legislation in the British Commonwealth. Whatever may be the advantages for this inclusion in the legislation of other countries, its inclusion in the definition of a drug under the Canadian Act is not a happy one.

The considerations which normally involve drugs are described in terms of purity, potency, strength and therapeutic use. These, however, are seldom applicable to cosmetics. To say that a cosmetic is adulterated if it fails to meet the standard of the British Pharmacopoeia or of some other recognized medical work, when neither the Pharmacopoeia nor such other recognized medical work prescribe standards for cosmetics, is of course nonsensical. Nevertheless, on a literal interpretation this is the situation under Section 6 of the Act.

It would be hoped that in any revision of the Act, cosmetics would be dealt with as a special subject and with respect to their inherent characteristics and uses with, of course, appropriate regulations being made. This would avoid some of the absurdities which, unfortunately, are inescapable with the present treatment.

Meanwhile, cosmetics have been made the subject of special regulations which are contained in a new part of the regulations known as Part E. Being regulations especially designed for cosmetics they have regard to the things which are inherent in their manufacture, sale and use and so far as they can, avoid the inconsistencies or absurdities which might otherwise result on a literal interpretation of Section 6 with the considerations thereunder as they apply to drugs in the true sense.

The cosmetic regulations are relatively short and are concerned with safety insofar as certain dangerous ingredients may be involved, with appropriate cautions as well as with advertising or label claims. Brief mention of the latter will be made in Chapter 9 dealing with Misbranding, Labelling and Advertising of Food and Drugs.

Devices

Before leaving the subject of drugs, it will also be noted that the definition of a drug includes—

" . . . any article that may be used for the diagnosis, treatment, mitigation or prevention of disease in man or animal; . . . "

Here again it is perhaps unfortunate that articles or devices as they are often called, were included in the definition of drugs because considerations involving the handling and control of drugs are not usually applicable to such articles as may be within the definition. No special regulations have yet been made and there are, therefore, no standards of quality or other conditions of sale applicable to articles or devices.

As in the case of cosmetics it would be desirable that the legislation at some time recognize therapeutic devices in some special way to permit of the control that is desirable, but not under the guise of legislation which involves completely foreign considerations. For example, the word "adulterated" would not be accurately descriptive of a device such as a "hearing aid" or more absurdly a "truss".

CHAPTER 9—MISBRANDING, LABELLING AND ADVERTISING OF FOOD AND DRUGS

While adulteration of food and adulteration of drugs are separated in the legislation and lend themselves to individual discussion because of the different considerations that arise in their subject matter, this division does not extend to misbranding.

Under the misbranding provisions of the Act food and drugs are jointly dealt with. Except as regards special sections of the regulations which involve matters of labelling and of advertising, it is possible to deal with the misbranding of food and drugs as a joint subject. A number of sections of the Act, as well as of the regulations, should be particularly considered in discussing the general subject of misbranding, labelling and advertising of food and drugs. The discussion will not encompass every provision of the Act or the regulations as it may relate to misbranding, labelling or advertising, but it may be useful to pick out certain of the more important provisions of the Act and of the regulations in this connection.

As regards the Act, these are respectively Sections 3, 7, 8, 9, and 36.

Section 3, which is the regulation-making section, authorizes the Governor in Council to make regulations;

“(b) respecting the packaging and labelling of any article of food or drug and the design of any such package or label with a view to preventing the public or the purchaser being deceived or misled as to the character, strength, quality or quantity of the article;

(i) adding to or removing from the list contained in Schedule A hereto such abnormal physical states, disorders, diseases, or symptoms of diseases, . . .

(m) respecting false, exaggerated or misleading claims for any article of food or drug.”

“7. No persons shall import, offer for sale, or sell any food or drug represented by label or by advertisement to the general public as a treatment for any of the diseases, disorders or abnormal physical states named or included in Schedule A or in any amendment to such Schedule.”

“8. Food or drug shall be deemed to be misbranded within the meaning of this Act if—

(a) it is an imitation of, or substitute for, or resembles in a manner likely to deceive, another article of food or drug under the name of which it is sold or offered or exposed for sale and is not plainly and conspicuously labelled so as to indicate its true character;

(b) it is stated to be the product of a place or a country of which it is not truly a product;

(c) it is sold or offered for sale by a name that belongs to another article;

(d) it is so coloured or coated, powdered or polished that damage is concealed, or if it is made to appear better or of greater value than it really is;

(e) false or exaggerated claims are made for it upon the label or otherwise;

- (f) in package form, sealed by or put up by the manufacturer or producer, and bearing his name and address, the contents of each package are not conspicuously and correctly stated within limits of variability to be fixed by regulations as in this Act provided, in terms of weight, measure or number, upon the outside of the package; except that this paragraph does not apply to packages the weight of which including the package and contents is under two ounces, and nothing in this section shall be taken to require the statement of weight, measure, or number upon containers or packages of standard size as provided by orders of the Governor in Council under the Meat and Canned Foods Act;
 - (g) it is not labelled in accordance with the requirements of this Act;
 - (h) the package containing it, or the label on the package, bears any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device is false or misleading in any particular, or the package is deceptive with respect to design, construction or fill; or
 - (i) the package containing it, or the label on the package, bears the name of an individual or of a company, claimed to be the manufacturer or producer of the article, which individual or company is fictitious or non-existent. 1920, c. 27, s. 5; 1927, c. 56, ss. 3 and 4.
9. (1) Every article of food that is a compound, mixture, imitation or substitute shall be plainly and correctly labelled as such.
- (2) The words "pure" or "genuine" or words equivalent to these terms, shall not be used on the labels or in connection with such articles.
- (3) Such articles shall be so packed, marked, or labelled as not to be likely to deceive any person with respect to their true nature. 1920, c. 27, s. 6.
36. (1) Every person is guilty of an offence under this Act who advertises any food or drug in a manner that is misleading or likely to create erroneous impressions regarding its value, composition, merit or safety, either by reason of statements made or device made use of in such advertisement, or because of failure to disclose in such advertisement essential facts concerning the actual properties of such food or drugs."

The discussion will deal with the provisions of the Act in the order in which the sections are above set forth. This accordingly involves a discussion of certain of the regulations and although it would ordinarily happen that the legislation should receive prior treatment, yet, in this particular connection, it is preferable to discuss the regulations first, as they explain much of the administrative interpretation that is given to the other sections of the Act that are set forth.

Definitions

Under the authority to make regulations there are a number of definitions which are relevant to the discussion. Amongst these are the definitions of advertisement, common name, proper name, compound, label, inner label, outer label, and manufacturer. These are contained in Division (2) of Part A of the regulations.

Parts B and C of the regulations, respectively dealing with foods and drugs provide that no person shall sell a package of food or of drugs that is not labelled. The regulations then provide for the information that must be contained both on the inner and outer labels. It is not necessary to recapitulate the substance of the regulations in this connection, as they are self-explanatory. It may be useful, however, to comment on one or two of the features as they pertain in general to foods and to drugs.

Labelling of Food

Amongst the matters which must be set forth in the case of food is the common name of the foods, a declaration of the name of any preservative of Class 2, 3, or 4, that is used, of added colour or of flavour, and, in the case of an unstandardized food, a list of the ingredients if the food consists of more than one. The net contents are required to be stated and the regulations establish in this connection certain tolerances which provide for variations in the net contents and which are unavoidable in good manufacturing practice. Here, however, amongst the matters provided, the differences must be as often as much above as below the stated quantity.

Notwithstanding the requirements for the declaration of colour, this is exempted for certain designated products such as butter, cheese, ice cream, bakery products, candy, etc.

The general provisions with respect to the use of colour and the colours that may be used, are contained in Division 6 of Part B.

The regulations deal respectively with the manner in which the words "compound", "mixture" and "substitute" must be used. This, however, is merely one of the label provisions and does not affect the propriety or otherwise of using these words in the manner in which the legislation contemplates their use. This may be of particular importance in looking at the word "substitute" as it is dealt with in Section 8 of the Act, as well as in the regulations.

It is further provided in the regulations that where the label uses any term in referring to an article of food which term is the subject of definition or meaning under any statute of the Parliament of Canada or regulation, that the use of such term shall be deemed to be false, exaggerated or misleading, unless it conforms to the definition or meaning so established. The effect of these provisions is directly aimed at products which may not be subject to the provisions of federal legislation such as the Meat and Canned Foods Act, in that they are not intended for interprovincial commerce, but which use certain terms or expressions which have been defined in that Act or its regulations. For example, the words "Standard", "Choice", and "Fancy" in relation to quality are words that have a precise meaning under the Meat and Canned Foods Act, with respect to the products that are therein dealt with. It would, therefore, be regarded as a false, exaggerated or misleading statement under the Food and Drugs Act for a canned vegetable that is not subject to the Meat and Canned Foods Act, to bear on the label the word "Fancy" to indicate its quality unless it in fact could meet the requirements of that grade as provided in the Meat and Canned Foods Act.

Alcoholic Beverages

Some special explanation may perhaps be appropriate to the situation as regards alcoholic beverages, which are dealt with in Division 2 of Part B. Inasmuch as alcoholic beverages come within the definition of food, they are dealt with as such by regulation in this Part. Obviously, the legislation that is of greater importance and concern to those engaged in the manufacture and sale of alcoholic beverages is that contained in the Excise Act and in the various liquor control acts of the respective provinces. For any detailed information as to matters of excise, the payment of tax, the holding of spirits in

bond and related matters, the reader is referred to the Excise Act and the regulations under it. Similarly in the case of conditions of sale, such as size of bottles, conditions of legal use or possession, price and many other matters, the reader is referred to the liquor control act of the province in question. Each of the liquor control acts differs widely as to its scope, but its purpose is essentially to control the sale of alcoholic beverages in the province. The sale of liquor as a source of revenue is an important factor in the budgeting of each of the provinces.

The alcoholic beverages regulations are of interest because they represent an attempt to codify in certain respects manufacturing specifications for alcoholic beverages without attempting to establish legal recipes to which the distiller must rigidly adhere. The essential purpose of the regulations is to prevent deceit in the description of alcoholic beverages. There is possibly no food commodity concerning which a greater degree of misinformation and misunderstanding is current than in the case of alcoholic beverages. The regulations therefore attempt to establish criteria for the use of such expressions as "age", "aged in wood", "matured", etc., and grammatical connotations thereof, and to limit the use of devices intended to suggest age, quality or a place or country of origin, that are untrue.

Labelling of Drugs

Dealing now with the general labelling requirements in respect of drugs, these are contained in Part C of the regulations. As in the case of foods, certain detailed information is required to be given on the label and the regulations also deal with tolerances as regards net weight of contents. Special requirements are contained in the regulations for special drugs as may be necessary either to convey proper information to the consumer or to act as a warning in the case of certain dangerous commodities. By way of illustration, special provision is made for alerting the consumer in the case of mercuric chloride tablets which are required to be of an irregular or angular shape, to be coloured blue, and to be packed in an immediate container that is readily distinguishable by touch.

Other parts of the drug regulations contain special provisions for the labelling of the drugs that are dealt with as individual commodities, thus sex hormones are subject to special labelling provisions which are considered appropriate, having regard to the dangers which may be inherent in their use. For particular requirements as regards other drugs, it will be necessary to consult the appropriate division of Part C.

As in the case of food, provision is also made that where any term or expression is established by any statute of the Parliament of Canada, the use of such term in relation to a drug shall be false, exaggerated or misleading unless it conforms to the use so established.

Cosmetics

Amongst the regulations specifically dealing with the labelling or advertising of cosmetics, there are two that possess features of special interest. The first of these prohibits emphasis being placed on any ingredient unless such ingredient is present in sufficient proportion to justify claims made for it. The other prohibits the use

on the label or in an advertisement of the symbol Rx or any device to denote or imitate a medical prescription. These regulations are, of course, intended to prevent certain eye-catching but deceptive devices which are sometimes employed in order to give a cosmetic a pseudo-scientific or therapeutic value which it should not possess.

Vitamins

The next important feature of the labelling and advertising provisions of the regulations is that contained in Part D which deals with vitamins. Some mention has already been made of this. While the reader is referred to the vitamin regulations for particular information, the following comments may be sufficient to highlight some of the features of interest:

The use on any label or in any advertisement of testimonials regarding the action of any vitamin is prohibited. Assurances or guarantees to the public regarding results to be obtained from treatment by vitamin medication or from the addition of vitamins to diet are similarly prohibited.

Proper names are given to the various known vitamins, and, irrespective of any trade or other name used, the proper name is required to be shown at least as conspicuously.

The general claims which may be made in respect of a vitamin in a food, a dietary supplement, or in a drug are limited specifically to the following:

that vitamins:

- (A) are necessary for the normal functioning of the body,
- (B) aid in growth,
- (C) may help to maintain appetite, and
- (D) may help to maintain normal resistance of the body to infection.

The regulations provide that a vitamin product that is a food to which a vitamin has not been added shall be deemed an "excellent dietary source" of any named vitamin where it contributes in a reasonable daily intake as ordinarily consumed or prepared as directed on the label not less than the amounts set forth in the regulations. Similarly, another regulation deals with a vitamin product as a "good dietary source" where it contributed not less than the amounts set forth in that regulation.

No mention may be made of a vitamin in connection with a food which supplies less than the amount required to class it as a "good dietary source". Relating the vitamin content of foods to the "reasonable daily intake" recognizes the practical value of the food in its proper place in the diet. It remedies the anomaly of a food with a high vitamin content per gram, as for example, parsley, which has a low consumption rate, being rated above another food of lower vitamin content per gram but with a higher consumption rate.

Quantitative expressions of the vitamin content of a food are prohibited. This is a protection to the consumer against competitive claims for foods which are bound to confuse. It is a benefit to the producer who, due to the natural variation of food products, would be required to have extensive and expensive assays constantly made with resulting variations in his labelling claims.

Limits are imposed with respect to the amount of synthetic vitamins added to food, and to the claims which may be made for such a food either as an "excellent dietary source" or as a "good dietary source". In addition to the limits imposed for general claims, the regulations provide for the specific claims which may be made for each vitamin.

Minimum and maximum limits are set for the vitamin content of products sold as drugs or dietary supplements. The minimum limit is designed to protect the consumer against products containing only insignificant amounts of the vitamins claimed. Products containing more than maximum amounts are considered to be appropriate only in pathological conditions which should be under the supervision of a physician. Such products cannot be advertised to the general public and must be labelled "for therapeutic use only".

Obviously, short of a book dealing exclusively with the regulations, it is impossible to do justice in a brief discussion to all of the important features of the regulations or of their implications. This is merely intended as a general outline of what the regulations broadly attempt to do in matters of labelling.

Radio Advertising

Before leaving the question of regulations, Regulation A.04.004 should be mentioned. This provides that inspectors, under the Food and Drugs Act, where authorized by regulation under the Canadian Broadcasting Act, shall act as representatives of the Canadian Broadcasting Corporation for the purpose of enforcing the regulations thereof in respect to the advertising of foods and of drugs.

Under the regulations established by the Canadian Broadcasting Corporation no commercial continuity respecting a food or a drug can be broadcast unless approval thereof has first been secured from the Department of National Health and Welfare. All continuities which relate to the advertising of commodities that are subject to the Food and Drugs Act, or the Proprietary or Patent Medicine Act, are first submitted through the appropriate channels of the Canadian Broadcasting Corporation to the Department for approval. The Department, in examining continuities, adheres to the general policy laid down in the Guide for Manufacturers and Advertisers which has been prepared in the Department of National Health and Welfare. The elements, of course, which govern the consideration of commercial continuities involve matters of good taste as provided in the Canadian Broadcasting Regulations and the dilution of false, exaggerated or misleading claims, but without unduly deglamourizing the product or restricting what has been accepted as legitimate "puffing".

It should, of course, be pointed out that while there is authority in the Canadian Broadcasting Corporation to require Departmental approval of commercial continuities, there is no corresponding authority in the Food and Drugs Act as regards advertisements. While it may happen, and often does, that an advertisement or series of advertisements may be referred to the Departmental officers for comment prior to the publication of the advertisement in connection with an advertising campaign, no official approval thereof can be given. The Department does, on such occasions, comment with respect to the subject of the advertisement in accordance with the same principles

as would apply in commercial continuities for broadcasting. The choice, however, is left with the advertiser as to whether he accepts the advice or comments so given or whether he prefers to leave the interpretation of the issue to legal process. This point is of very great importance and must be emphasized because it often happens in the case of advance copy submitted to the Department, that the advertiser is under the impression either that Departmental approval has been secured, or that there is some requirement in this connection. Neither is in accordance with the legal situation as it exists under the legislation. Departmental action for a violation of the Act can therefore be taken only after the publication of an advertisement or the sale of a misbranded product, as the case may be.

Drugs Represented as Treatment for Conditions Included in Schedule A of the Act

The next feature that requires discussion is that arising out of the provisions of Section 7, which must be read in conjunction with Schedule A to the Act.

This section in effect creates a form of statutory misbranding in respect of certain named conditions or diseases for which no food or drug may be advertised to the general public. The purpose of the section is to prevent advertisements to the public respecting treatment for conditions where either no treatment is known to medical science or where self-treatment is not considered proper or safe. Schedule A, therefore, lists a number of such conditions. An examination of them will indicate that they include subjects of the kind mentioned, as well perhaps, as a number of subjects which at one time or other may have been found fruitful sources of revenue for the quack and the charlatan.

The purpose of the section, therefore, is to make unnecessary the proof in each case that a food or a drug is either unsafe or valueless for the treatment of one of these conditions, that it is harmful, or that the advertisement is false or misleading. It prohibits entirely any representations whatsoever concerning such treatment. It will be seen that there are still certain conditions where there is, as yet, no known specific remedy, as for example, the common cold, rheumatism and arthritis, but which are not included in this list. Here, however, there are many analgesics as well as helpful drugs for the three diseases mentioned amongst others, and it would be too restrictive to prevent the legitimate advertisement and sale of such drugs as a relief for the conditions of such disease.

The section is of special significance in that it has no counterpart in the Food, Drug and Cosmetic Act in the United States, nor in the Food and Drugs Acts of the United Kingdom. While a perusal of many magazines and newspapers will indicate that there are apparently still preparations being offered to the credulous for and against many conditions for which self-medication would appear unwise, the section nevertheless, has proved an effective check on promiscuous exploitation of illness and disease. It will be observed that it is only an advertisement to the general public that is the subject of the prohibition. This is deliberately designed so as not to interfere with advertisements in trade and professional publications which are not published to the general public. Accordingly, medical journals, pharmaceutical journals, amongst others, may contain advertisements respecting certain drugs which are

recommended on a professional basis for the treatment of certain conditions which could not be advertised to the general public. Here, however, there is considered to be a basis of competency on which the value of the preparation in terms of the condition can be assessed, which the general public could not be expected to have.

The section permits of Schedule A being kept abreast not only of medical discoveries but newly devised techniques of exploitation. By way of illustration, the latest of the conditions to be added to Schedule A was "disorders of the menstrual flow". A perusal of newspaper advertisements, particularly in rural publications, showed an increasing number of preparations being offered to the female public for purposes that, although cunningly disguised, could mean only relief from pregnancy. This of course brought the matter within the scope of the legislation as involving public health and after careful consideration of alternative phrasing, which would not improperly or unduly restrict the sale of legitimate remedies for female complaints, the above phrase was adopted and by regulation added to Schedule A. This item is commented on not for the importance of its subject matter so much as by way of illustration to indicate the type of exploitation that the section can successfully halt.

Misbranding

The next provision that should be made the subject of some comment in Section 8. This is the statutory definition of misbranding, comparable to the statutory definition of adulteration which is contained in Section 4 for food. The provisions of the section are for the most part self-explanatory and need little elaboration.

Subsection (a) of Section 8 should be mentioned particularly as regards the use of the words "imitation" and "substitute". These words are undoubtedly taken from the comparable misbranding provisions of the United States Food and Drugs Act of 1906. Whether the words "imitation" and "substitute" are intended to be synonymous, or whether they are intended to relate to different things, is by no means clear. The well-known decision of the Supreme Court of the United States in what is usually referred to as the *Imitation Jam* case, may or may not be helpful of the interpretation which might be given to these words if used under comparable conditions in Canada. It may be argued that an imitation of an article of food is not such food of substandard quality, but must refer to something that is, in effect, sold in substitution for the particular article of which it purports to be an imitation. By way of illustration, low-grade leather could not be called imitation leather. Correspondingly, where a standard of quality is prescribed for an article, and it is required to contain ingredients of the kind and within the limits of variability as set forth in the standard, the elimination of certain of the ingredients called for or a variation of their proportions so as to achieve a less expensive result, might well be argued, produces neither an imitation nor a substitute for the food in question. The question immediately arises as to whether a low fat "butter" with a high moisture content is properly imitation butter, or whether it is within the phrase "resembles in a manner likely to deceive another article of food". If it could be argued that a low fat "butter" was an imitation butter, then does the use of the word "imitation" plainly and conspicuously label it so as to indicate its true character? Would not some other legend be required to alert the purchaser?

It is, moreover, suggested that this would result in a direct conflict between the provisions of Section 4 as regards adulteration of a food, which cannot have been intended by Parliament. The degree of debasement in terms of the use of the word "imitation" would become of little importance, providing the product does not reach a stage where it is unfit for human consumption, in which case it would be subject to the provisions of the Criminal Code. Apart from the requirements of Section 4 it would be curious if a product could be depreciated almost to such point by the elimination of nutritious ingredients and the substitution of other ingredients of no nutritional value, although harmless, if the product could legally be sold under the name of another product which it is made to resemble merely by using the word "imitation". In the absence, of course, of judicial guidance it is difficult to give any answer to this question. It may well be that the adoption of these words were without sufficient consideration of their necessity in the section or of the purpose to which they might be put. The most elementary proposition, of course, is that an article that is wholesome should not be denied the avenues of trade, providing it is sold for what it is and without deception. Where, however, the article is made to resemble another article, and it is not, in fact, that other article, can it be truthfully sold as an imitation of that article.

A rationalization of the elements involved in honest labelling may well give rise to doubt as to the propriety of permitting the use of the word "imitation" or "substitute" at all. A strong argument can be advanced that under no circumstances do they enhance the protection which the consumer is entitled to receive but on the contrary, provide a trap or pitfall into which he is expected to tumble. If an article has a useful place in commerce, then it should be left to find its own level on its own merits which will involve its use, its appearance, its palatability and its price, but not to travel on the momentum created by the article which it seeks to imitate. The situation, of course, in Canada may be somewhat different from that in the United States in that the regulations in connection with standardized foods prescribe standards of quality with limits of variability. They do not, as has been elsewhere pointed out, establish standards of definition or of identity as well as of quality. It may accordingly be that the broader use of the word "quality", itself controls the situation in terms of the use of imitations and substitutes for articles which are in reality substandard of these articles.

There would not appear to be anything in the balance of the section provocative of comment. It will, however, be noted that an article is misbranded if it is not labelled in accordance with the requirements of the Act. This might give rise to some question as to where the Act requires an article to be labelled and particularly so as sub-paragraph (g) of Section 8 makes reference to the Act. In this connection, it is pointed out that Section 3(2) gives to regulations the same force and effect as if embodied in the Act, and regulations respecting labels are accordingly considered to come within Section 8(g) by virtue of Section 3(2).

Section 9 is somewhat curious, but is one which has gone through various changes through succeeding enactments. In substantially its present form, it appeared in the Act of 1920, at which time the misbranding provisions also appeared. It may be suggested that in-

sufficient consideration was given to the inclusion of the words "imitation" and "substitute" in Section 8(a) (5a in the 1920 Act) and the words "pure", "genuine", etc., in Section 9 (Section 6 in the 1920 Act). The prohibition against the words "pure" or "genuine" or equivalent words again creates unusual situations. Few articles are today marketed that are not at least mixtures, and on a literal interpretation the words "pure" or "genuine" would be denied to these articles. A survey of the grocer's shelves will indicate a number of articles which use the word "pure" or "genuine" which on a literal interpretation of Section 9 would be prohibited by the Act.

Again, subsection (3) of Section 9 is unusual in that it seeks to cover something of the kind dealt with in Section 8(a). In attempting to explain the purpose of these respective sections it may be that there was some purpose in their use at the time they were enacted, but today it is difficult to conceive of the situations which require the presence of both sections in order to afford a degree of protection to the purchaser.

The next section and perhaps the only section that directly relates to advertisements is 36. This section has not been one of frequent use. It was not added to the Act until 1939 and during the war years many conditions existed which were not regarded as normal, and accordingly there was not established any considerable amount of administrative or judicial criteria under this section. It has, however, been usefully employed in connection with newspaper and other forms of advertisement. It will be appreciated that from a literal interpretation, it perhaps creates two offences. It may be argued that there is a difference between the phrase "is misled" and the phrase "likely to create erroneous impressions", and that these involve different considerations.

It might be argued that a charge under the first part of the section would require actual proof that a person was misled, whereas, as to a charge under the second, it becomes a matter of judicial determination as a question of fact, whether it (the advertisement) would be likely to create an erroneous impression.

The following are illustrations of the kind of cases in which the section has been employed, but without any reference to the name of the defendants:

In an advertisement for a vitamin, protein and mineral preparation, a pictorial comparison was given, of a number of foods such as steak, eggs, cheese, porridge, green vegetables, etc., with a glass of the product, with the suggestion that it yielded at least as much, if not more vitamins, proteins and minerals than all of such foods. This was regarded as a device likely to create an erroneous impression in, amongst other ways, that it did not place in proper perspective the nutrient yield from the milk with which the preparation was intended to be mixed. This contention was upheld by the Court.

A further instance in which the section was invoked related to the sale of a multi-purpose vitamin and which in its advertising suggested that normal diet was insufficient to provide the vitamin requirements of the body and that these could only be supplied by the ingestion of the combination capsule in question. This again was held by the Court to be a device likely to create erroneous impressions by failure

to disclose essential facts concerning the actual properties of the vitamin, whether used as a food or a drug.

A third illustration which may be useful was in regard to the use of the section in connection with the sale of vitamin pills as part of a sensational reducing plan which was popular a short time ago. The essential feature of the plan lay in a low-calorie diet, but with the suggestion at least that the vitamin preparation, which was an integral part of the plan, was responsible for the desired loss of weight. Apart altogether from the fact that the preparation in question was held to be in violation of Section 7, the form of advertisement was also held to be in violation of Section 36, as likely to create erroneous impressions regarding its value or merit. Here again, the Court found that it failed to disclose the essential facts necessary for an honest determination of its value.

Before leaving the subject of advertisements, attention is directed to the provisions of Section 406(3)(a), (b) and (c) of the Criminal Code of Canada, which is reproduced in Chapter 3 in dealing with criminal code legislation.

This section does not relate directly to a food or a drug but is broad enough to do so. It makes it an offence to publish an advertisement containing any statement or guarantee of the performance, efficacy or length of life of any product for the purpose of either directly or indirectly promoting the sale or disposal of such product, and which statement or guarantee is not based upon an adequate or proper test. It provides that in any such prosecution the burden of proof that an adequate or proper test has been made, shall lie on the defendant.

CHAPTER 10—ADMINISTRATION AND ENFORCEMENT

The subject matter of this chapter involves a number of the sections of the Act and the regulations which do not come within any of the other chapters of this Part together with some general discussion of matters which are not found squarely within the provisions of the sections of the Act.

For convenience, the subjects will be discussed under various headings as follows:

- | | |
|---------------------------|---------------------------------|
| 1. Inspection and samples | 4. Disposal of import shipments |
| 2. Analyses | 5. Penalties |
| 3. Seizures | 6. Exports |

Before commencing a discussion of the various headings, some general explanation of the administrative arrangements under the Act should be given.

There is, as part of the Department of National Health and Welfare, the Food and Drug Division and the Laboratory of Hygiene. The Food and Drug Division is responsible for the administration and enforcement of the Act. The Laboratory of Hygiene is by administrative arrangement, responsible for the biological control of the products mentioned in Part III of Schedule B, which includes drugs prepared from micro-organisms or viruses, toxins, sera, antibiotics, and analogous preparations.

The Laboratory of Hygiene also undertakes the inspection of premises, equipment and technical qualifications of the staff of manufacturers preparing drugs mentioned or described in Parts II and III of Schedule B, and it is also responsible for special services in relation to the enforcement work of the Food and Drug Division, such as the identity of certain drugs, detection of horsemeat by analysis, bacterial contamination of cheese, etc.

The Food and Drug Division is administered by a Director who is also the Chief Dominion Analyst.

For administrative purposes, Canada is divided into an Eastern, East Central, Central, West Central, and Western regions with suitable subdivisions of those regions, depending upon the areas involved. The regions are under the administrative responsibility of a Regional Superintendent.

Both at the headquarters in Ottawa, as well as in the various divisions, there are inspectors who are charged with the enforcement of the Act, and analysts who are responsible for the technical work that is involved. While the enforcement of the Act contemplates and provides for legal proceedings, the administrative policy that has been adopted is to avoid court action if at all possible.

Accordingly, in the absence of a flagrant and defiant violation of the Act, every effort is made to bring about an adjustment of the situation without the necessity of prosecution. This is particularly observed in the case of label and advertisement violations and in the case of manufacturing violations which are not of an injurious or a

deliberate and fraudulent character. The addition, however, of prohibited ingredients to food, and extravagant and false claims for drugs, and violations of Section 7 are regarded as proper matters for legal action. The bulk of the proceedings which have been instituted under the Act involve these things.

Additional features of the enforcement policy will be more fully discussed under the various headings in which the administration and enforcement of the Act are dealt with.

1. Inspection and Samples

One of the most useful legacies which have been bequeathed by the early English food and drug statutes is that which relates to the taking of official samples by an inspector, the analysis of such samples by an official analyst, and the evidential weight to be given to the certificate of analysis thereof.

All samples which are taken under the authority of the Act are regarded as official samples, and must be dealt with strictly in accordance with the procedure that has been laid down for the taking of such samples.

Amongst other things, this involves the division of the samples into three parts, except under the circumstances provided in Division 6 of Part A of the regulations, and the forwarding for analysis of designated parts as therein prescribed.

The procedure to be followed by the inspector in taking the sample and preparing it for submission to the analyst, is set forth in Sections 14 and 15. The procedure of Section 15 is seldom, if ever, followed, in that it does not happen as a rule, that the vendor requires the protection which this section purports to give as regards preserving the identity of the sample.

The procedure which is generally followed is for the inspector himself to seal the sample and assign to it and the parts, an identification number. It is seldom that a seal would be furnished by the vendor as is provided in Section 15.

In addition, however, to the procuring of official samples as is provided in these sections, it often happens that an inspector will obtain what is called a specimen, and which is merely a sample obtained for purposes of examination, but which is not dealt with as an official sample.

Should the examination of such specimen indicate the necessity for further action, such as might be involved in a legal proceeding, he will then procure an official sample which will form the basis of such action. In the case of a prosecution under Section 6A which does not involve adulteration or misbranding, the purchase of a specimen to prove sale is all that is needed and no official sample is taken.

Sections 11, 30, 32 and 33, which are as follows, deal with the powers of an inspector and may require a word of explanation:

"11. (1) Any inspector may procure samples of food or drugs from any person who has such articles in his possession for the purpose of sale, or who sells or exposes the same for sale.

(2) Such inspector may procure such samples either by purchasing the same or by requiring the person in whose possession they are to show

him and allow him to inspect all such articles in his possession, and the place or places in which such articles are stored, and to give him sample of such articles on payment or tender of the value of such samples.

(3) An inspector may, if he has reason to believe that any article of food or drug is held or exposed or offered for sale in violation of the requirements of this Act, seize and hold such article until a sample taken by him and submitted for analysis to the Dominion analyst has been reported upon and thereafter until the inspector has given an order for its disposal. 1920, c. 27, s. 7; 1927, c. 56, s. 5."

"30. Where after being requested to do so by an inspector, any person who has in his possession or under his control any food or drug refuses or omits

- (a) to show the inspector the place in which such articles are stored;
- (b) to admit the inspector into every such place;
- (c) to show the inspector all or any of such articles in his possession;
- (d) to permit the inspector to inspect the same;
- (e) to give any sample thereof; or
- (f) to furnish the inspector with any light or assistance he requires for any of such purposes;

he is guilty of an offence, and is liable, upon summary conviction, to a fine not exceeding two hundred dollars and costs, and not less than fifty dollars and costs, or to imprisonment for any term not exceeding three months, or to both fine and imprisonment. 1920, c. 27, s. 20."

"32. Any article seized under this Act may at the option of the inspector be kept or stored in the building or place where it was seized or such article may, by the direction of the inspector, be removed to any other place. 1927, c. 56, s. 11."

"33. (1) Any material found in possession of a manufacturer of food or drugs, or in any of the premises occupied by him as such, and being apparently of a kind that might be employed for purposes of adulteration and for the possession of which he is unable to account to the satisfaction of an inspector, may be seized by such inspector and a sample of such material submitted for identification to a Dominion analyst.

(2) Should the Dominion analyst's certificate prove the material to be of such a kind as might be used for purposes of adulteration, the manufacturer is deemed wilfully to have exposed for sale adulterated food or drugs, and is liable, upon summary conviction, for a first offence, to a fine not exceeding two hundred dollars and costs, and not less than fifty dollars and costs, or to imprisonment for any term not exceeding three months, or to both fine and imprisonment, and for each subsequent offence to a fine not exceeding five hundred dollars and costs and not less than one hundred dollars and costs, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment, and the material in question shall be forfeited to His Majesty, and may be disposed of as the Minister may direct. 1920, c. 27, s. 21."

Section 11, in addition to authorizing an inspector to procure samples, also gives him certain powers of inspection, as well as power to seize and detain articles which he has reason to believe are in violation of the Act pending the result of an analysis of a sample thereof.

While the authority of an analysis is necessarily limited to matters of adulteration and misbranding, the section does not attempt to limit the powers of the inspector to the seizure and detention of articles that are suspected of being adulterated or misbranded, but extends to articles that are in violation of the Act. This would, on a literal interpretation, include matters which might come within Section 7, 36 or certain of the regulations, such as the cheese holding regulations, and which do not involve adulteration or misbranding.

Historically, however, when Section 11 was enacted, these other provisions were not contained in the Act, and adulteration or misbranding, as might be the subject of an analyst's certificate, was ordinarily all that would be involved in a suspected violation.

The point may not be of great importance, because any violations of Section 7 or 36 might also involve the possibility of adulteration or misbranding as well, and thus the authority of the inspector is, in either event, given by Section 11 to seize and detain the suspected articles.

The next sections to be considered are Sections 30 to 33 which give to the inspector fairly wide and effective powers to search and inspect premises where food and drugs are kept, as well as making it an offence to interfere in any way with his powers of search or with a seizure.

Section 33 is unusual, in that it gives to the inspector a very wide and practical authority respecting the presence on premises of well known and recognized adulterants. Accordingly, where, in a soft-drink plant, saccharine is found; in a salad dressing plant, mineral oil is found; or, in a sausage plant quantities of sulphur dioxide are found, the inspector must be satisfied as to the propriety of their presence for uses other than adulteration of foods, if the owner is not to be convicted of an offence.

It will be seen that the inspector is the person to be satisfied with the explanation, and not a court, or a judge, or even a Dominion analyst.

Before leaving Section 33, attention may again be directed to the provisions of Section 10 which relate to vinegar. Subsection (2) of that section similarly deals with the presence of acetic acid in the possession of a manufacturer of food. Here, however, it will be seen that no question of explanation arises, and the mere presence of acetic acid itself creates the offence.

2. Analyses

Sections 16 to 18 complement the immediately preceding Sections 14 and 15 which relate to the procuring of samples. They provide a further and convenient way of furnishing to the Court evidential proof of adulteration or misbranding. The sections seek to give to the defendant, the necessary protection in terms of cross-examination of the analyst, as well as a procedure whereby the findings of the analyst can be subjected to appeal to the Chief Dominion Analyst. It is very unusual for the procedure as provided in Sections 17 and 18 to be invoked.

On a most literal interpretation of the provisions of Sections 16 to 18, it might be argued that they have the effect of substituting for the decision of the Court the findings of the analyst or of the Chief Dominion Analyst on matters of adulteration or misbranding. It has been argued that the effect of these sections is to require the Court to accept the findings as set forth in the certificate, irrespective of what evidence the defendant may be able to adduce and irrespective of whatever the cross-examination of the analyst may have brought out.

In answer to these technical arguments, it may be stated, no practical difficulties have ever arisen in Court. Courts, irrespective of the literal language of the sections have considered the evidence of the Crown, either as represented in the certificate or as may be supplemented by the analyst himself, together with the evidence of the defendant, including his witnesses, in reaching a decision.

Where evidence has been adduced to shake the method of analysis, or to raise doubts as to the finding of a definite result or some other factor which would indicate an area of argument, there has never been any case where the Court felt that the normal provisions of the criminal law in terms of giving to an accused the benefit of doubt should not be given to the defendant. The technical or literal interpretation of these sections are always subject to the normal rules of evidence and procedures in criminal matters.

3. Seizures

Following along the provisions of these sections as they relate to procuring of samples and analyses, are the provisions of the Act respecting the seizures of adulterated or misbranded articles of food or drugs. It is, perhaps, in connection with the seizure provisions as they are set forth in Section 24 that the literal or strict procedure of Sections 16 to 18 have the greatest practical application, even though the effect of those sections would seem rather to relate to legal proceedings.

It will be observed that the procedure which is involved under Section 24 in disposing of an adulterated or misbranded food is administrative and not judicial. Administrative discretion of the kind in question is widely exercised in a number of fields which sometimes involve judicial or quasi-judicial functions. This is not usually viewed with favour, either by the Bench or the Bar, and particularly where as a result of such discretion, forfeiture or destruction of property may be concerned.

There is much to be said, for the argument that a person is entitled to his day in court when charged with some violation of the law, and particularly as the consequences of that violation may result in the seizure and destruction of his property. As against this there is something to be said for an administrative discretion which can be adapted to particular circumstances, and thus given a degree of flexibility which might not be possible in a judicial process. Whatever may be the best arguments for or against the administrative seizure, the section is administered in such a way as to permit of considerable flexibility in the disposition of articles which are found to be adulterated or misbranded. Destruction is resorted to only where the articles cannot be brought into conformity with the Act, or dealt with in such a way as to relieve the owner of part, at least, of the financial loss involved in their destruction.

By way of illustration, the owner of a quantity of lard which was found to be adulterated with mineral oil was permitted to sell the lard for the manufacture of soap, and thus enabled to avoid part of the total loss which would be involved in its destruction.

In the case of a shipment of salad oil, which was improperly described as olive oil, in that it contained a large quantity of other vegetable oil, permission was given to repack it with proper labelling. In fact, wherever it is possible to do so, the owner is given wide opportunity to avoid the consequences of the violation, insofar as heavy financial loss is concerned. This, of course, has nothing to do with the institution of proceedings against the owner with respect to such violation, but is merely an exercise of the administrative discretion to avoid absurdities, resultant on the destruction of articles of food and drug which may still have some value and proper use.

4. Disposal of Import Shipments

Section 12 provides authority to an inspector to examine customs entries of imports of food and drugs, and, in effect, imposes the condition that such articles are not legally in the country until clearance therefor has been obtained under the Act. If an article sought to be imported into the country would, if admitted, be found to be adulterated or misbranded, the section prohibits its entry for use as a food or drug. The somewhat literal implications which could arise from the language of this prohibition are modified by regulations which are enacted under the authority of Section 3(f), authorizing regulations "for the disposal of import shipments of food or drugs refused entry under Section 12 of this Act".

Division 5 of Part A of the regulations sets forth the procedure which is followed in disposing of such shipments. Here, again, considerable administrative discretion is employed to prevent either the refusal of entry of shipments which can be brought into conformity with the Act, or otherwise dealt with in such a way as would avoid total loss to the exporter or importer.

Generally speaking, a three-month period is given to the owner to arrange for the export from Canada of the offending material, but as in the case of a seizure under Section 24, fairly wide discretion is employed in permitting such articles to be brought into sufficient uniformity with the Act to avoid either their export or destruction.

It frequently does occur that the offence may be one of technical misbranding through some label defect. Depending upon the seriousness of the defect, the shipment may be released for entry into Canada upon the importer undertaking that future shipments will conform to the requirements of the Act. If, however, the defect is one which is serious, and cannot be corrected, then the strict procedure of export or of destruction is invoked.

5. Penalties

In establishing the offences of adulteration or misbranding for violations under Sections 7, 36 and other sections of the Act and of the regulations, penalty sanctions are provided. These sanctions are either in the form of a fine or of imprisonment or both fine and imprisonment with increased penalties for subsequent offences or where adulteration is wilful or injurious to health.

The prosecution of violations of the Food and Drugs Act is by way of what is known as "summary conviction proceedings". For the information of those who are not familiar with this procedure, it perhaps is useful to discuss it briefly.

The Criminal Code of Canada divides crimes into two categories, namely offences and indictable offences.

As the common law distinguished between a felony and a misdemeanor in terms of the seriousness of the offence and its punishment, so is the distinction preserved in the Criminal Code in providing for the classification of crimes, either as offences or indictable offences.

Indictable offences are punishable upon indictment and this, amongst other things, includes the right of the accused to be tried by a jury. There are, of course, certain exceptions to this which are not of importance for the purpose of this examination.

Summary Conviction Procedure

Offences are punishable upon summary conviction. These are triable by a Magistrate and the procedure with respect to the laying of the charge, as well as the hearing of it, is contained in Part XV of the Criminal Code of Canada. Part XV is devoted to summary convictions, and sets forth a complete code of procedure respecting offences that are either classified as summary conviction offences or which may be triable as such.

In brief, the procedure provides for an information or complaint being laid under oath by a claimant or informant, and for a summons to be served on a defendant.

The charge which is contained in the summons must give all of the information necessary to disclose the offence. The defendant then appears before a Magistrate, and is required to plead to the charge. If any objection is taken on the ground of jurisdiction, the objection must be dealt with at this stage. If the defendant pleads guilty, the matter is disposed of without formal evidence and usually on the basis of some explanation of the facts. The defendant is entitled to speak to the question of punishment or sentence, even though he has pleaded guilty.

If a plea of not guilty is entered, then a date is fixed for the case to be heard. This must be a fixed date and an adjournment cannot be for a period longer than eight days. It is usual for a summary conviction offence to be disposed of within a matter of a very few weeks from the time that the charge is laid.

The usual rules of criminal evidence govern questions of evidence and the usual legal presumptions extend to summary conviction offences. The accused is accordingly entitled to a full hearing, including the taking of all evidence under oath.

An appeal may lie in one of two ways. The first is by what is called a "stated case" on a point of law, and the other is a straight appeal which results in a trial *de novo* before a district or county court judge, depending upon whether in the province the court is described as a county court or a district court.

A "stated case" will be heard by a superior court judge or by the court of appeal of the province. The case will set forth briefly the

facts and the questions of law on which an opinion or decision of the higher court is asked. There is no further appeal from a decision so given.

The alternative procedure of a trial *de novo* merely involves the accused or the Crown filing notice of appeal within the time permitted in Part XV of the Criminal Code, and in accordance with the procedure therein laid down. The appeal is, then heard by a judge of the county or district court in the county or district as the case may be. This does not involve a review of the transcript of the evidence before the Magistrate, but a complete re-hearing of evidence. A further appeal may, under certain circumstances, lie to the court of appeal of a province, and with leave, to the Supreme Court of Canada.

Lack of Jurisprudence

The purpose of the summary conviction procedure is to provide a simple, yet quick and effective method of disposing of summary conviction offences. It follows that these constitute the way in which by far the greater number of criminal offences are dealt with in Canada. The method, however, of disposing of summary conviction offences of necessity precludes the delivery of written reasons for judgment except in rare instances.

Because under the rule of *stare decisis*, a decision of a Magistrate has no binding or authoritative effect on other courts, it is not usual for the Magistrate's decision, even if accompanied by reasons for judgment, to be reported. Similarly, judgments delivered by county or district court judges, are seldom reported, because they have no binding effect on other courts. It is, as a rule, only where a summary conviction matter involves a rule of technical construction of interpretation that it may reach a higher court, so as to be made the subject of a written judgment which would be reported.

For these reasons there are few reported judgments in Canada covering the interpretation of the provisions of the Food and Drugs Act. The leading case in which the Food and Drugs Act has been the subject of a reported decision is in the *Standard Sausage Co., v. Lee*. (1933) 4 D.L.R. 501; (1934) 1 D.L.R. 706; 60 C.C.C. 265, and there the judgment dealt with the constitutional position of the Act, rather than its interpretation. (See p. 55 for judgment.)

There is, accordingly, no judicial guidance available to the administrative officers, such as is found in other countries where the comparable legislation has been interpreted at all judicial levels. The administrative officers in interpreting various of the provisions are obliged to rely essentially on the objects and purposes of the legislation and to give it such interpretation as will best carry out that purpose. This is not in all respects a satisfactory state of affairs, either from the point of view of industry, or of the officers who are trying to administer a difficult piece of legislation.

The close co-operation, however, which has developed between industry and the departmental officers with the infrequency with which matters are referred to courts for determination, speaks highly of the quality of the administration, and of the interpretation that has been given to many of these difficult provisions.

Adequacy of Penalties

What is often referred to as the inadequacy of the penalties, is another feature of the Act which is raised for discussion. In comparison with the scale of penalties under the United States Food, Drug and Cosmetic Act, the penalties under the Canadian Act seem trivial.

It must, however, be appreciated that with the provisions for administrative seizures, as well as the provisions for securing convictions, the penalties are for the most part adequate.

With reputable firms it is not considered that a heavy fine is substantially a greater deterrent to violate the law than is a light fine. The deterrent is in the conviction for a violation of the Act, rather than in the punishment that may be exacted. It has never been felt that the administration and enforcement of the Food and Drugs Act has been seriously prejudiced by the fact that the maximum fines are for only \$100—\$200 or perhaps \$400, depending on the offence.

There do, of course, arise cases where constant violators seem to think that the payment of a fine is in the nature of a license fee to violate the law. Here, again, there has been little actual difficulty, because of the possibility of a jail sentence in addition to a fine, and in certain instances, at least, Magistrates have imposed jail sentences where the violation was deliberate and flagrant.

Breach of Regulations

The next feature of the legislation which perhaps should be discussed under this heading involves a breach of the regulations. It will be seen that apart from the provisions of Section 37, the Act does not specifically provide a penalty for a breach of the regulations. Where, of course, the breach of the regulations itself involves the offence of adulteration or misbranding, no difficulty arises, because adulteration and misbranding are dealt with in Section 26. Where, however, the breach of the regulations does not involve adulteration or misbranding, as for example, a breach of the prescription regulations, then it is necessary to rely on Section 3(2) which gives to regulations, the same force and effect as if embodied in the Act, and then on Section 37 which provides for cases where no specific penalty has been provided for a breach of the Act.

Voluntary Settlement of Prosecution

Before leaving the question of penalties, it may be useful to discuss Section 29 which authorizes a voluntary payment being tendered to, and accepted by the Minister as a penalty and costs for a first offence. This is a rather unusual provision to be found in a statute of this kind, and is intended to permit of a first violation of the Act being dealt with, out of court, and without the consequences or the stigma of a conviction being recorded against the defendant.

A voluntary settlement which is so made is not, in the event that a charge for a further violation is subsequently laid, regarded as a first offence for the purpose of invoking the heavier penalty for a second or subsequent offence under Section 26. No reference is made in such a charge to the fact that Section 29 has been invoked, and the offender is, accordingly, dealt with as though the charge in question represented a first violation of the Act. As the section is interpreted,

it is considered to be exhausted insofar as a defendant is concerned, once he has taken advantage of it. It is not considered that it may be invoked more than once, even though the offences in question are of a different kind.

It is considered even with a company doing business in Canada through a number of branches that the invocation of the section by one branch technically exhausts it insofar as the company is concerned.

Defence under Section 27

The remaining section which is, perhaps, important to discuss is Section 27.

It may be considered as well-settled law that the Food and Drugs Act is one of those statutes that has expressly or by necessary implication, dispensed with proof of *mens rea* or guilty intent as an ingredient of an offence. Accordingly, intent except in the case of subsection (2) of Section 26 is immaterial, and a defendant is legally responsible for a violation of the Act, even though he did not intend to violate its provisions, and in certain circumstances, could not even have known of the violation. Anything short, however, of absolute responsibility would fail to meet the purposes of the legislation in terms of consumer protection.

While there have been a great many cases decided both in England and in Canada on the necessity or otherwise of proof of *mens rea* as an ingredient of an offence, the following cases are mentioned as decisive of the reasoning that has been applied in construing statutes, such as the Food and Drugs Act.

The decisions are not, however, completely uniform, in that other cases can be found where the provisions of an Act were more or less identical and where the courts have held that *mens rea* was necessary. The better reasoning, however, would support the view that has been first expressed, namely, that *mens rea* is not an ingredient of an offence under the Food and Drugs Act, except as specifically provided in Section 23(2). *Cundy v. LeCocq*, 13 Q.B.D. 207; *R.V. Woodrow*, 16 L.J. M.C. 122; *Blaker v. Tillstone* (1894) 1 Q.B. 345; *R.V. Cappan*, 30 Man. R. 316; *R.V. Piggly Wiggly Canadian Ltd.*, 41 Man. R. 249.

Section 27 provides an escape where want of knowledge can be successfully claimed. It will be seen that it is limited to adulteration and misbranding and therefore would not be available in a charge under Section 7, 36 or certain of the regulations which do not involve adulteration or misbranding.

In effect, it merely provides for a stay of proceedings against the first defendant until his supplier can be brought in as a party to the proceedings, and in order that the court can, at the one time, dispose of the entire matter.

Appropriate cases to invoke the section are those where pre-packaged foods and drugs are involved, and where by no means could the vendor know of the defective condition of the merchandise in terms of it violating the Act.

As regards misbranding, however, it would be more difficult to use as a defence because it can hardly be contended by the defendant where the misbranding is because of a label or advertisement which is available to him that he could not with reasonable diligence have obtained knowledge of its misbranding.

The class of cases in which the section is usually invoked, are cases of adulteration.

It sometimes happens that where a vendor is able to satisfy the administrative officers of the applicability of Section 27 that a charge would be laid direct against the supplier without first charging the immediate vendor and the vendor from whom the sample was taken required to testify with respect to the identity of the article and its source and with the analyst's certificate dealing with the question of adulteration.

6. Exports

The provisions of Part II of the Act as regards Exports is contained in Section 42 which is almost self-explanatory.

It frequently happens that it will be a requirement of the import law of another country that an article must comply with the domestic law of the country of origin. This, it will be appreciated, is not a condition of Section 42, except as it may circuitously happen that compliance with the Food and Drugs Act is a condition precedent to the importation of an article of food or of drug that is produced in Canada.

PART III

Texts of Early English Food and Drug Statutes

1860

CHAPTER 84

AN ACT for preventing the Adulteration of Articles of Food or Drink.
[6th August 1860.]

WHEREAS the Practice of adulterating Articles of Food and Drink for Sale, in fraud of Her Majesty's Subjects, and to the great Hurt of their Health, requires to be repressed by more effectual Laws than those which are now in force for that Purpose: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Penalty on Persons selling Articles of Food or Drink knowing the same to be injurious to Health. As to subsequent Offences.

I. Every Person who shall sell any Article of Food or Drink with which, to the Knowledge of such Person, any Ingredient or Material injurious to the Health of Persons eating or drinking such Article has been mixed, and every Person who shall sell as pure or unadulterated any Article of Food or Drink which is adulterated or not pure, shall for every such Offence, on a summary Conviction of the same before Two Justices of the Peace at Petty Sessions in *England*, and in *Scotland* before Two Justices of the Peace in Justice of the Peace Court, or before the Sheriff Substitute of the County, or before Justices at Petty Sessions or a Divisional Justice in *Ireland*, forfeit and pay a Penalty not exceeding Five Pounds together with such Costs attending such Conviction as to the said Justices shall seem reasonable; and if any Person so convicted shall afterwards commit the like Offence it shall be lawful for such Justices to cause such Offender's Name, Place of Abode, and Offence to be published, at the Expense of such Offender, in such Newspaper or in such other Manner as to such Justices shall seem desirable.

Power to appoint Analysts.

II. In the City of *London* and the Liberties thereof the Commissioners of Sewers of the City of *London* and the Liberties thereof, and in all other Parts of the Metropolis the Vestries and District Boards acting in execution of the Act for the better Local Management of the Metropolis in *England* and *Ireland*, the Court of Quarter Sessions of every County, and the Town Council of every Borough having a separate Court of Quarter Sessions, and in *Scotland* the Commissioners of Supply at their Ordinary Meetings for Counties, and Town Councils within their several Jurisdictions, may, from Time to Time for their respective City, Districts, Counties, or Boroughs, appoint and remove One or more Persons possessing competent medical, chemical, and microscopical Knowledge as Analysts of all Articles of Food and Drink purchased within the said City, Metropolitan Districts, Counties, or Boroughs, and may pay to such Analysts such Salary or Allowances as they may think fit; but such Appointments and Removals shall at all Times be subject in *Great Britain* to the Approval of One of Her Majesty's Principal Secretaries of State, and in *Ireland* to that of the Lord Lieutenant.

Protection against Articles of Food and Drink being tampered with by Purchaser.

III. On the Hearing by the Justices of any Complaint under this Act in any District, County, or Borough wherein any Analyst shall have been appointed, the Purchaser shall prove to the Satisfaction of such Justices that the Seller of the Article of Food or Drink alleged to be adulterated, or his Servants, had such Notice of the Intention of the Purchaser to have such Article analysed, and also such Opportunity of accompanying the Purchaser to an Analyst appointed by this Act, as the Justices shall think reasonable, in order to secure such Article from being tampered with by the Purchaser.

Power to Purchasers of Articles of Food and Drink to have them analysed. Certificate of Analyst made Evidence.

IV. Any Purchaser of any Article of Food or Drink in any District, County, City, or Borough where there is any Analyst appointed under this Act shall be entitled, on Payment to the Analyst of a Sum not less than Two Shillings and Sixpence nor more than Ten Shillings and Sixpence, to have any such Article analysed by any Analyst who may be appointed for such District, County, City, or Borough, and to receive from such Analyst a Certificate of the Result of his Analysis, specifying whether in his Opinion such Article is adulterated, and also whether it is so adulterated as to be injurious to the Health of Persons eating or drinking the same; and such Certificate duly signed by such Analyst shall, in the Absence of any Evidence to the contrary, be sufficient Evidence before the Justices or in any Court of Justice of the Matters therein certified, and the Sum so directed to be paid for such Certificate shall be deemed Part of the Costs.

Power to Justices to have Articles of Food and Drink analysed.

V. The Justices before whom any Complaint may be made under this Act may, in their Discretion, cause any Article of Food or Drink to be examined and analysed by such skilled Person as they may appoint for that Purpose, who may be required to give Evidence of the same at the Hearing of the Case; and the Expense thereof, and of such Examination and Analysis, if not paid by the Complainant or Party complained against, shall be deemed Part of the Expenses of executing this Act, but nevertheless such Expense may be ordered by such Justices to be paid by the Party so complaining or complained against, as they shall think proper.

Appeal to Quarter Sessions.

VI. Any Person who has been convicted of any Offence punishable by this Act by any Justices may appeal to the next General or Quarter Sessions of the Peace which shall be held for the City, County, Town, or Place wherein such Judgment or Conviction shall have been made, or in the Case of the Conviction having been before a Sheriff Substitute in *Scotland*, then the Appeal shall be to the Sheriff of the County, provided that such Person enter into a Recognizance within Two Days next after such Conviction, with Two sufficient Sureties, conditioned to try such Appeal, and to be forthcoming to abide the Judgment and Determination of the Court at such General or Quarter Sessions, or Sheriff, and to pay such Costs as shall be by such Court awarded; and the Justices before whom such Conviction shall be had are hereby empowered and required to take such Recognizance; and the Court at such General or Quarter Sessions, or Sheriff, are hereby authorized and required to hear and finally determine the Matter of every such Appeal, and may award such Costs to the Party appealing or appealed against as they shall think proper.

Where Conviction within Six Days of Quarter Sessions, Time allowed for Appeal.

VII. If any such Conviction or Judgment or Order of Forfeiture shall happen to be made within Six Days before any General or Quarter Sessions of the Peace shall be held for the City, County, Town, or Place wherein such Conviction shall have been made, the Person who shall think himself aggrieved by any such Conviction may, on entering into a Recognizance in manner and for the Purposes before directed, be at liberty to appeal either to the then next

or next following General or Quarter Sessions of the Peace which shall be held for any such City, County, Town, or Place wherein any such Conviction shall have been made, on giving Six Days Notice to the Complainant of his Intention to appeal.

Persons convicted of selling adulterated patented Article may have a Case stated for Opinion of Superior Court.

VIII. Any Person who shall have been convicted by any Justices or Sheriff Substitute of any Offence punishable by this Act, in respect of the selling of any Article of Food or Drink which shall have been manufactured according to any Process patented before the passing of this Act, either by the Patentee or Owner of the Patent, or by any Person carrying on his Business or otherwise claiming under him during the Continuance of such Patent, may, instead of appealing to the General or Quarter Sessions of the Peace or Sheriff of the County, apply in Writing within Five Days after such Conviction to the Justices or Sheriff Substitute, to state and sign a Case for the Opinion of One of the Superior Courts of Law thereon, in like Manner as under the Statute of the Twentieth and Twenty-first Years of Her Majesty, Chapter Forty-three, he might have applied to the Justices to state and sign a Case, and thereupon all such Proceedings shall take place upon and in relation to such Application, and all such Provisions shall be applicable thereto as would have taken place upon and in relation thereto, and been applicable thereto, under the Provisions of the said last-mentioned Act; and in *Scotland*, for the Purposes of such Appeal, the Justices or Sheriff Substitute may state and sign a Case for the Opinion of the Court of Session, in like Manner as the Justices in *England* and *Ireland* may, for the Opinion of the Superior Courts of Law under the said Act, and the Court of Session shall have in relation thereto the like Powers as the Superior Courts have under the said Act, and all the other Provisions of the said Act shall be applicable to such Appeals.

Procedure in Cases under this Act. Application of Monies.

IX. In *England* the Provisions in the Nuisances Removal Act for *England*, 1855, as to Procedure, and the Provisions of the Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace and of Session within England and Wales with respect to summary Convictions and Orders*, and in *Scotland* the ordinary Rules regulating the Procedure of Justices of the Peace, so far as the same are respectively applicable, shall extend and apply to Cases arising under this Act in *England* or *Scotland*; and all Monies arising from Penalties under this Act in any County, City, District, or Borough where there are Analysts appointed under this Act shall, when paid or recovered, be paid in *England* and *Ireland* to the Vestry, District Board, Commissioners, County Treasurer, or Town Council for such County, City, District, or Borough respectively, to be applied for the general Purposes of such Vestry, District Board, Commissioners, County, City, or Borough respectively, and to the Collector of Rogue Money for each County in *Scotland*.

Proceedings in Ireland as to Complaints, &c. to be subject to Provisions of 14 & 15 Vict. c. 93, and 21 & 22 Vict. c. 100.

X. All Proceedings under this Act in *Ireland* as to compelling the Appearance of any such Person or of any Witness, and as to the Hearing and Determination of such Complaints, and as to the making and executing of such Orders, and as to the Applications of Fines, Amerciaments, and forfeited Recognizances imposed or levied under this Act at Petty Sessions, shall be subject in all respects to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," as the same is amended by "The Petty Sessions Clerk (*Ireland*) Act, 1858." (when the Case shall be heard in any Petty Sessions District,) and to the Provisions of the Acts relating to the Divisional Police Offices (when the Case shall be heard in the Police District of *Dublin* Metropolis), so far as the said Provisions shall be consistent with any special Provisions of this Act; and when any Fine or Penalty is imposed at any of the Divisional Police Offices of *Dublin*

Metropolis, or by the Justices in any Corporate Town, under the Provisions of this Act, such Fines and Penalties shall be paid over to the same Purposes and appropriated and applied in the same Manner as is now by Law authorized in respect of Fines and Penalties imposed at such Divisional Police Offices, or by the Justices in any such Corporate Town respectively.

Appeal to Quarter Sessions.

XI. In *Ireland* any Person who has been convicted of any Offence punishable by this Act may appeal to the next Court of Quarter Sessions to be held in the same Division of the County where the Order shall be made by any Justice or Justices in any Petty Sessions District, or to the Recorder at his next Sessions where the Order shall be made by the Divisional Justices in the Police District of *Dublin* Metropolis, or to the Recorder of any Corporate or Borough Town when the Order shall be made by any Justice or Justices in such Corporate or Borough Town (unless when any such Sessions shall commence within Seven Days from the Date of any such Order, in which Case, if the Appellant sees fit, the Appeal may be made to the next succeeding Sessions to be held for such Division or Town); and it shall be lawful for such Court of Quarter Sessions or Recorder, as the Case may be, to decide such Appeal, if made in such Form and Manner, and with such Notices, as are required by the Petty Sessions Acts respectively herein-before mentioned as to Appeals against Orders made by Justices at Petty Sessions; and all the Provisions of the said Petty Sessions Acts respectively as to making Appeals and as to executing the Orders made on Appeal, or the original Orders where the Appeals shall not be duly prosecuted, shall also apply to any Appeal or like Order to be made under the Provisions of this Act.

As to Expenses of executing Act.

XII. The Expense of executing this Act shall be borne, in the City of *London* and the Liberties thereof, out of the Consolidated Rates raised by the Commissioners of Sewers of the City of *London* and the Liberties thereof, in the rest of the Metropolis out of any Rates or Funds applicable to the Purposes of the Act for the better Local Management of the Metropolis, and in Counties out of the County Rate, and in Boroughs out of the Borough Fund, or out of the Rogue Money in Counties in *Scotland*.

Indictment or other Remedy not affected.

XIII. Nothing in this Act contained shall be held to affect the Power of proceeding by Indictment, or to take away any other Remedy against any Offender under this Act.

Interpretation of Terms.

XIV. In the Construction of this Act the Words "Articles of Food or Drink" shall (if not inconsistent with the Context or Subject Matter) include not only all alimentary Substances, whether Solids or Liquids, but also all Eatables or Drinkables whatsoever not being Medical Drugs or Articles usually taken or sold as Medicines, but this Act shall not be construed so as to affect the ordinary Reduction of the Strength of Foreign, *British*, or Colonial Spirits by Persons licensed and paying Duties under the Excise.

1872

CHAPTER 74

AN ACT to amend the Law for the prevention of Adulteration of Food and Drink and of Drugs. [10th August 1872.]

WHEREAS the practice of adulterating articles of food and drink and drugs for sale, in fraud of Her Majesty's subjects, and to the great hurt of their health and danger to their lives, requires to be repressed by more effectual laws than those which are now in force for that purpose:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Penalty on persons adulterating articles of food or drink or drugs.

1. Every person who shall wilfully admix, and every person who shall order any other person or persons to admix, with any article of food or drink, any injurious or poisonous ingredient or material to adulterate the same for sale, and every person who shall wilfully admix, and every person who shall order any other person or persons to admix, any ingredient or material with any drug to adulterate the same for sale, shall for the first offence forfeit and pay a penalty not exceeding fifty pounds, together with the costs attending such conviction, and for the second offence shall be guilty of a misdemeanor, and be imprisoned for a period not exceeding six calendar months, with hard labour.

Penalty on persons selling articles of food or drink or drugs which they know to have been adulterated.

2. Every person who shall sell any article of food or drink with which to the knowledge of such person any ingredient or material injurious to the health of persons eating or drinking such article has been mixed, and every person who shall sell as unadulterated any article of food or drink, or any drug which is adulterated, shall for every such offence, on a summary conviction of the same before two justices of the peace at petty sessions in England, or before two justices of the peace in the justices of the peace court, or before the sheriff substitute of the county, or before any magistrate acting under any general or local Police Act in Scotland, or before justices at petty sessions or a divisional justice in Ireland, forfeit and pay a penalty not exceeding twenty pounds, together with such costs attending such conviction as to the said justices, sheriff substitute, magistrate, or divisional justice shall seem reasonable; and if any person so convicted shall afterwards commit the like offence, such justices, sheriff substitute, magistrate, or divisional justice shall cause such offender's name, place of abode, and offence to be published, at the expense of such offender, in such newspaper or in such other manner as to the said justices shall seem desirable.

Vendor to declare mixture at time of sale.

3. Any person who shall sell any article of food or drink or any drug, knowing the same to have been mixed with any other substance with intent fraudulently to increase its weight or bulk, and who shall not declare such admixture to any purchaser thereof before delivering the same and no other, shall be deemed to have sold an adulterated article of food or drink or drug, as the case may be, under this Act.

Pharmacy Act, 1868, and 23 & 24 Vict. c. 84. incorporated with this Act. Proviso, 33 & 34 Vict. c. 26.

4. The Pharmacy Act, 1868, and the Act twenty-third and twenty-fourth Victoria, chapter eighty-four, for preventing the adulteration of articles of food and drink, shall be deemed to be incorporated in this Act: Provided always,

that in the application of this Act to Ireland the Act passed in the session of Parliament held in the thirty-third and thirty-fourth year of the reign of Her present Majesty, chapter twenty-six, intituled "An Act to regulate the sale of poisons in Ireland," shall be deemed to be incorporated in this Act instead of the Pharmacy Act, 1868.

Appointment of analysts.

5. In the city of London and the liberties thereof the commissioners of sewers of the city of London and the liberties thereof, and in all other parts of the metropolis the vestries and district boards acting in execution of the Act for the better local management of the metropolis, in England the court of quarter sessions of every county, and the town council of every borough having a separate court of quarter sessions, or having under any general or local Act of Parliament or otherwise a separate police establishment, in Ireland the grand jury of every county, county of a city, and county of a town, and town council of every borough, and in Scotland the commissioners of supply at their ordinary meetings for counties, and the commissioners or boards of police, or, where there are no such commissioners or boards, the town councils for boroughs, within their several jurisdictions, may, and when required so to do by the Local Government Board in England, or by one of Her Majesty's Principal Secretaries of State in Scotland, or by the Lord Lieutenant or other chief governor or governors in Ireland, shall, for their respective city, districts, counties, or boroughs, appoint and remove one or more persons possessing competent medical, chemical, and microscopical knowledge as analysts of all articles of food, drink, and drugs purchased within the said city, metropolitan districts, counties, or boroughs, and shall pay to such analysts such salary or allowances as they may think fit: but such appointments and removals shall at all times be subject in England to the approval of the Local Government Board, in Scotland of one of Her Majesty's Principal Secretaries of State, and in Ireland of the Lord Lieutenant or other chief governor or governors.

Inspectors of nuisances, &c. may submit articles to be analyzed.

6. The inspector of nuisances or the inspector of weights and measures, or the inspector of markets, one or all of them, as the local authority appointing them shall think fit to determine, in every district, county, city, or borough, shall procure and submit samples of articles of food or drink and drugs suspected to be adulterated to be analyzed by the analysts appointed under this Act, and shall, upon receiving a certificate stating that the articles of food or drink or drugs are adulterated, cause a complaint of an offence against this Act by the party selling or adulterating such articles of food or drink or drugs to be made before a justice of the peace, and thereupon such justice shall issue a summons requiring the seller or the adulterator to appear before two justices of the peace at petty sessions in England, or before two justices of the peace in the justice of the peace court, or before the sheriff substitute of the county, or before any magistrate acting under any general or local police Act in Scotland, or before justices of petty sessions or divisional justices in Ireland, to answer such complaint, and such summons shall be served by delivering the same, or a true copy thereof, upon the premises where such samples were obtained or sold, and the expense of such prosecutions, if not ordered to be paid by the party complained against, shall be deemed part of the expense of executing this Act.

Analysts to make reports quarterly to local authorities.

7. The analysts appointed under this Act shall report quarterly to the local authorities appointing them the number of articles of food, drink, or drugs analyzed by them under this Act during the foregoing quarter, and shall specify the nature and kind of adulterations detected in such articles of food, drink, and drugs, and all such reports shall be read at the meetings of the local authorities appointing such analysts.

Proof of identity of articles submitted to analysts.

8. On the hearing by the justices, sheriff substitute, magistrate, or divisional justice of any complaint under this Act in any district, county, city, or borough wherein analysts shall have been appointed under this Act, the purchaser, or

inspector of nuisances, or the inspector of weights and measures, or the inspector of markets, as the case may be, shall prove to the satisfaction of such justices, sheriff substitute, magistrate, or divisional justice that the article of food or drink or drugs alleged to be adulterated was delivered to the analysts in the same condition as regards its purity or impurity as it was when received from the seller.

Purchaser of articles of food, &c. may require same to be analyzed.

9. Any purchaser of any article of food or drink or drugs in any district, county, city, or borough where there is any analyst appointed under this Act shall be entitled, on payment to the inspector or inspectors appointed under this Act of a sum not less than two shillings and sixpence nor more than ten shillings and sixpence, which shall be accounted for to the local authority appointing such inspector or inspectors, to have any such article analyzed by any analyst who may be appointed for such district, county, city, or borough, and to receive from such analyst a certificate of the result of his analysis, specifying whether, in his opinion, such article is adulterated, and also whether, if it be an article of food or drink, it is so adulterated as to be injurious to the health of persons eating or drinking the same, and such certificate, duly signed by such analyst, shall, in the absence of any evidence before the court to the contrary, be sufficient evidence of the matters therein certified, and the sum so directed to be paid for such certificate shall be deemed part of the costs.

Articles of food, &c. ordered for analysis to be received, and samples retained by inspectors.

10. All articles of food, drink, or drugs to be analyzed by the analysts appointed under this Act shall be received by the inspectors appointed by the local authorities, and from all such articles of food, drink, or drugs samples shall be taken and sealed in the presence of the analysts by the inspectors, to be retained by them and produced in case the justices, sheriff substitute, magistrate, or divisional justice shall order other analyses to be made.

As to expenses of executing Act.

11. The expense of executing this Act shall be borne, in the city of London and the liberties thereof, out of the consolidated rates raised by the commissioners of sewers of the city of London and the liberties thereof, and in the rest of the metropolis out of any rates or funds applicable to the purposes of the Act for the better local management of the metropolis, and in counties out of the county rate, or out of the grand jury cess in Ireland, and in boroughs out of the borough fund, and in Scotland out of the police money in counties and boroughs respectively.

Proceedings by indictment, &c. not to be affected.

12. Nothing in this Act contained shall be held to affect the power of proceeding by indictment, or to take away any other remedy against any offender under this Act.

1875

CHAPTER 63

AN ACT to repeal the Adulteration of Food Acts, and to make better provision for the Sale of Food and Drugs in a pure state. [11th August 1875.]

WHEREAS it is desirable that the Acts now in force relating to the adulteration of food should be repealed, and that the law regarding the sale of food and drugs in a pure and genuine condition should be amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of statutes.

1. From the commencement of this Act the statutes of the twenty-third and twenty-fourth of Victoria, chapter eighty-four, of the thirty-first and thirty-second of Victoria, chapter one hundred and twenty-one, section twenty-four, of the thirty-third and thirty-fourth of Victoria, chapter twenty-six, section three, and of the thirty-fifth and thirty-sixth of Victoria, chapter seventy-four, shall be repealed, except in regard to any appointment made under them and not then determined, and in regard to any offence committed against them or any prosecution or other act commenced and not concluded or completed, and any payment of money then due in respect of any provision thereof.

Interpretation of words.

2. The term "food" shall include every article used for food or drink by man, other than drugs or water:

The term "drug" shall include medicine for internal or external use:

The term "county" shall include every county, riding, and division, as well as every county of a city or town not being a borough:

The term "justices" shall include any police and stipendiary magistrate invested with the powers of a justice of the peace in England, and any divisional justices in Ireland.

Description of Offences

Prohibition of the mixing of injurious ingredients, and of selling the same.

3. No person shall mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any article of food with any ingredient or material so as to render the article injurious to health, with intent that the same may be sold in that state, and no person shall sell any such article so mixed, coloured, stained, or powdered, under a penalty in each case not exceeding fifty pounds for the first offence; every offence, after a conviction for a first offence, shall be a misdemeanor, for which the person, on conviction, shall be imprisoned for a period not exceeding six months with hard labour.

Prohibition of the mixing of drugs with injurious ingredients, and of selling the same.

4. No person shall, except for the purpose of compounding as herein-after described, mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that the same may be sold in that state, and no person shall sell any such drug so mixed, coloured, stained, or powdered, under the same penalty in each case respectively as in the preceding section for a first and subsequent offence.

Exemption in case of proof of absence of knowledge.

5. Provided that no person shall be liable to be convicted under either of the two last foregoing sections of this Act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the justice or court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, coloured, stained, or powdered as in either of those sections mentioned, and that he could not with reasonable diligence have obtained that knowledge.

Prohibition of the sale of articles of food and of drugs not of the proper nature, substance, and quality.

6. No person shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, under a penalty not exceeding twenty pounds; provided that an offence shall not be deemed to be committed under this section in the following cases; that is to say,

- (1) Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof;
- (2) Where the drug or food is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent;
- (3) Where the food or drug is compounded as in this Act mentioned;
- (4) Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

Provision for the sale of compounded articles of food and compounded drugs.

7. No person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser, under a penalty not exceeding twenty pounds.

Protection from offences by giving of label.

8. Provided that no person shall be guilty of any such offence as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended fraudulently to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice, by a label distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

Prohibition of the abstraction of any part of an article of food before sale, and selling without notice.

9. No person shall, with the intent that the same may be sold in its altered state without notice, abstract from an article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, under a penalty in each case not exceeding twenty pounds.

Appointment and Duties of Analysts, and Proceedings to obtain Analysis*Appointment of analysts.*

10. In the city of London and the liberties thereof the Commissioners of Sewers of the city of London and the liberties thereof, and in all other parts of the metropolis the vestries and district boards acting in execution of the Act for the better local management of the metropolis, the court of quarter sessions of every county, and the town council of every borough having a separate court of quarter sessions, or having under any general or local Act of Parliament or otherwise a separate police establishment, may, as soon as convenient after the

passing of this Act, where no appointment has been hitherto made, and in all cases as and when vacancies in the office occur, or when required so to do by the Local Government Board, shall, for their respective city, districts, counties, or boroughs, appoint one or more persons possessing competent knowledge, skill, and experience, as analysts of all articles of food and drugs sold within the said city, metropolitan districts, counties, or boroughs, and shall pay to such analysts such remuneration as shall be mutually agreed upon, and may remove him or them as they shall deem proper; but such appointments and removals shall at all times be subject to the approval of the Local Government Board, who may require satisfactory proof of competency to be supplied to them, and may give their approval absolutely or with modifications as to the period of the appointment and removal, or otherwise: Provided, that no person shall hereafter be appointed an analyst for any place under this section who shall be engaged directly or indirectly in any trade or business connected with the sale of food or drugs in such place.

In Scotland the like powers shall be conferred and the like duties shall be imposed upon the commissioners of supply at their ordinary meetings for counties, and the commissioners or boards of police, or where there are no such commissioners or boards, upon the town councils for boroughs within their several jurisdictions: provided that one of Her Majesty's Principal Secretaries of State in Scotland shall be substituted for the Local Government Board of England.

In Ireland the like powers and duties shall be conferred and imposed respectively upon the grand jury of every county and town council of every borough: provided that the Local Government Board of Ireland shall be substituted for the Local Government Board of England.

Town council of a borough may engage the analyst of another borough or of the county.

11. The town council of any borough may agree that the analyst appointed by any neighbouring borough or for the county in which the borough is situated, shall act for their borough during such time as the said council shall think proper, and shall make due provision for the payment of his remuneration, and if such analyst shall consent, he shall during such time be the analyst for such borough for the purposes of this Act.

Power to purchaser of an article of food to have it analysed.

12. Any purchaser of an article of food or of a drug in any place being a district, county, city, or borough where there is any analyst appointed under this or any Act hereby repealed shall be entitled, on payment to such analyst of a sum not exceeding ten shillings and sixpence, or if there be no such analyst then acting for such place, to the analyst of another place, of such sum as may be agreed upon between such person and the analyst, to have such article analysed by such analyst, and to receive from him a certificate of the result of his analysis.

Officer named to obtain a sample of food or drug to submit to analyst.

13. Any medical officer of health, inspector of nuisances, or inspector of weights and measures, or any inspector of a market, or any police constable under the direction and at the cost of the local authority appointing such officer, inspector, or constable, or charged with the execution of this Act, may procure any sample of food or drugs, and if he suspect the same to have been sold to him contrary to any provision of this Act, shall submit the same to be analysed by the analyst of the district or place for which he acts, or if there be no such analyst then acting for such place to the analyst of another place, and such analyst shall, upon receiving payment as is provided in the last section, with all convenient speed analyse the same and give a certificate to such officer, wherein he shall specify the result of the analysis.

Provision for dealing with the sample when purchased.

14. The person purchasing any article with the intention of submitting the same to analysis shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article his intention to have the same analysed by the public analyst, and shall offer to divide the article into three parts to be then and there separated, and each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent.

He shall afterwards retain one of the said parts for future comparison and submit the third part, if he deems it right to have the article analysed, to the analyst.

Provision when sample is not divided.

15. If the seller or his agent do not accept the offer of the purchaser to divide the article purchased in his presence, the analyst receiving the article for analysis shall divide the same into two parts, and shall seal or fasten up one of those parts and shall cause it to be delivered, either upon receipt of the sample or when he supplies his certificate to the purchaser, who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

Provision for sending article to the analyst through the post office.

16. If the analyst do not reside within two miles of the residence of the person requiring the article to be analysed, such article may be forwarded to the analyst through the post office as a registered letter, subject to any regulations which the Postmaster General may make in reference to the carrying and delivery of such article, and the charge for the postage of such article shall be deemed one of the charges of this Act or of the prosecution, as the case may be.

Person refusing to sell any article to any officer liable to penalty.

17. If any such officer, inspector, or constable, as above described, shall apply to purchase any article of food or any drug exposed to sale, or on sale by retail on any premises or in any shop or stores, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, inspector, or constable, such person shall be liable to a penalty not exceeding ten pounds.

Form of the certificate.

18. The certificate of the analysis shall be in the form set forth in the schedule hereto, or to the like effect.

Quarterly report of the analyst.

19. Every analyst appointed under any Act hereby repealed or this Act shall report quarterly to the authority appointing him the number of articles analysed by him under this Act during the foregoing quarter, and shall specify the result of each analysis and the sum paid to him in respect thereof, and such report shall be presented at the next meeting of the authority appointing such analyst, and every such authority shall annually transmit to the Local Government Board, at such time and in such form as the Board shall direct, a certified copy of such quarterly report.

Proceedings against Offenders*Proceedings against offenders.*

20. When the analyst having analysed any article shall have given his certificate of the result, from which it may appear that an offence against some one of the provisions of this Act has been committed, the person causing the analysis to be made may take proceedings for the recovery of the penalty herein imposed for such offence, before any justices in petty sessions assembled having jurisdiction in the place where the article or drug sold was actually delivered to the purchaser, in a summary manner.

Every penalty imposed by this Act shall be recovered in England in the manner prescribed by the eleventh and twelfth of Victoria, chapter forty three. In Ireland such penalties and proceedings shall be recoverable, and may be taken with respect to the police district of Dublin metropolis, subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district, or of the police of such district; and with respect to other parts of Ireland, before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same.

Every penalty herein imposed may be reduced or mitigated according to the judgment of the justices.

Certificate of analyst prima facie evidence for the prosecution, but analyst to be called if required. Defendant and his wife may be examined.

21. At the hearing of the information in such proceeding the production of the certificate of the analyst shall be sufficient evidence of the facts therein stated, unless the defendant shall require that the analyst shall be called as a witness, and the parts of the articles retained by the person who purchased the article shall be produced, and the defendant may, if he think fit, tender himself and his wife to be examined on his behalf, and he or she shall, if he so desire, be examined accordingly.

Power to justices to have articles of food and drug analysed.

22. The justices before whom any complaint may be made, or the court before whom any appeal may be heard, under this Act may, upon the request of either party, in their discretion cause any article of food or drug to be sent to the Commissioners of Inland Revenue, who shall thereupon direct the chemical officers of their department at Somerset House to make the analysis, and give a certificate to such justices of the result of the analysis; and the expense of such analysis shall be paid by the complainant or the defendant as the justices may by order direct.

Appeal to quarter sessions.

23. Any person who has been convicted of any offence punishable by any Act hereby repealed or by this Act by any justices may appeal in England to the next general or quarter sessions of the peace which shall be held for the city, county, town, or place wherein such conviction shall have been made, provided that such person enter into a recognizance within three days next after such conviction, with two sufficient sureties, conditioned to try such appeal, and to be forthcoming to abide the judgment and determination of the court at such general or quarter sessions, and to pay such costs as shall be by such court awarded; and the justices before whom such conviction shall be had are hereby empowered and required to take such recognizance; and the court at such general or quarter sessions are hereby required to hear and determine the matter of such appeal, and may award such costs to the party appealing or appealed against as they or he shall think proper.

In Ireland any person who has been convicted of any offence punishable by this Act may appeal to the next court of quarter sessions to be held in the same division of the county where the conviction shall be made by any justice or justices in any petty sessions district, or to the recorder at his next sessions where the conviction shall be made by the divisional justices in the police district of Dublin metropolis, or to the recorder of any corporate or borough town when the conviction shall be made by any justice or justices in such corporate or borough town (unless when any such sessions shall commence within ten days from the date of any such conviction, in which case, if the appellant sees fit, the appeal may be made to the next succeeding sessions to be held for such division or town), and it shall be lawful for such court of quarter sessions or recorder (as the case may be) to decide such appeal, if made in such form and manner and with such notices as are required by the said Petty Sessions Acts respectively herein-before mentioned as to appeals against orders made by justices at petty sessions, and all the provisions of the said Petty

Sessions Acts respectively as to making appeals and as to executing the orders made on appeal, or the original orders where the appeals shall not be duly prosecuted, shall also apply to any appeal made under this Act.

In any prosecution defendant to prove that he is protected by exception or provision.

24. In any prosecution under this Act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon any exception or provision contained in this Act, it shall be incumbent upon him to prove the same.

Defendant to be discharged if he prove that he bought the article in the same state as sold, and with a warranty. No costs except on issues proved against him.

25. If the defendant in any prosecution under this Act prove to the satisfaction of the justices or court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the prosecutor, and with a written warranty to that effect, that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he shall have given due notice to him that he will rely on the above defence.

Application of penalties.

26. Every penalty imposed and recovered under this Act shall be paid in the case of a prosecution by any officer, inspector, or constable of the authority who shall have appointed an analyst or agreed to the acting of an analyst within their district, to such officer, inspector, or constable, and shall be by him paid to the authority for whom he acts, and be applied towards the expenses of executing this Act, any Statute to the contrary notwithstanding; but in the case of any other prosecution the same shall be paid and applied in England according to the law regulating the application of penalties for offences punishable in a summary manner, and in Ireland in the manner directed by the Fines Act, Ireland, 1851, and the Acts amending the same.

Punishment for forging certificate or warranty.

27. Any person who shall forge, or shall utter, knowing it to be forged for the purposes of this Act, any certificate or any writing purporting to contain a warranty, shall be guilty of a misdemeanor and be punishable on conviction by imprisonment for a term of not exceeding two years with hard labour;

For wilful misapplication of warranty.

Every person who shall wilfully apply to an article of food, or a drug, in any proceedings under this Act, a certificate or warranty given in relation to any other article or drug, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds;

For false warranty.

Every person who shall give a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds;

For false label.

And every person who shall wilfully give a label with any article sold by him which shall falsely describe the article sold, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds.

Proceedings by indictment and contracts not to be affected.

28. Nothing in this Act contained shall affect the power of proceeding by indictment, or take away any other remedy against any offender under this Act, or in any way interfere with contracts and bargains between individuals, and the rights and remedies belonging thereto.

Provided that in any action brought by any person for a breach of contract on the sale of any article of food or of any drug, such person may recover

alone or in addition to any other damages recoverable by him the amount of any penalty in which he may have been convicted under this Act, together with the costs paid by him upon such conviction and those incurred by him in and about his defence thereto, if he prove that the article or drug the subject of such conviction was sold to him as and for an article or drug of the same nature, substance, and quality as that which was demanded of him, and that he purchased it not knowing it to be otherwise, and afterwards sold it in the same state in which he purchased it; the defendant in such action being nevertheless at liberty to prove that the conviction was wrongful, or that the amount of costs awarded or claimed was unreasonable.

Expenses of executing the Act

Expenses of executing Act.

29. The expenses of executing this Act shall be borne, in the city of London and the liberties thereof, by the consolidated rates raised by the Commissioners of Sewers of the city of London and the liberties thereof, and in the rest of the metropolis by any rates or funds applicable to the purposes of the Act for the better local management of the metropolis, and otherwise as regards England, in counties by the county rate, and in boroughs by the borough fund or rate;

and as regards Ireland, in counties by the grand jury cess, and in boroughs by the borough fund or rate; all such expenses payable in any county out of grand jury cess shall be paid by the treasurer of such county; and

The grand jury of any such county shall, at any assizes at which it is proved that any such expenses have been incurred or paid without previous application to presentment sessions, present to be raised off and paid by such county the moneys required to defray the same.

Special Provision as to Tea

Tea to be examined by the Customs on importation.

30. From and after the first day of January one thousand eight hundred and seventy-six all tea imported as merchandise into and landed at any port in Great Britain or Ireland shall be subject to examination by persons to be appointed by the Commissioners of Customs, subject to the approval of the Treasury, for the inspection and analysis thereof, for which purpose samples may, when deemed necessary by such inspectors, be taken and with all convenient speed be examined by the analysts to be so appointed; and if upon such analysis the same shall be found to be mixed with other substances or exhausted tea, the same shall not be delivered unless with the sanction of the said commissioners, and on such terms and conditions as they shall see fit to direct, either for home consumption or for use as ships stores or for exportation; but if on such inspection and analysis it shall appear that such tea is in the opinion of the analyst unfit for human food, the same shall be forfeited and destroyed or otherwise disposed of in such manner as the said commissioners may direct.

Interpretation of Act.

31. Tea to which the term "exhausted" is applied in this Act shall mean and include any tea which has been deprived of its proper quality, strength, or virtue by steeping, infusion, decoction, or other means.

Provision for the liberty of a cinque port.

32. For the purposes of this Act every liberty of a cinque port not comprised within the jurisdiction of a borough shall be part of the county in which it is situated, and subject to the jurisdiction of the justices of such county.

Application of the Act to Scotland.

33. In the application of this Act to Scotland the following provisions shall have effect:

1. The term "misdemeanor" shall mean "a crime or offence;"
2. The term "defendant" shall mean "defender" and include "respondent;"
3. The term "information" shall include "complaint;"

4. This Act shall be read and construed as if for the term "justices," wherever it occurs therein, the term "sheriff" were substituted:
5. The term "sheriff" shall include "sheriff substitute:"
6. The term "borough" shall mean any royal burgh and any burgh returning or contributing to return a member to Parliament:
7. The expenses of executing this Act shall be borne in Scotland, in counties, by the county general assessment, and in burghs, by the police assessment:
8. This Act shall be read and construed as if for the expression "the Local Government Board," wherever it occurs therein, the expression "one of Her Majesty's Principal Secretaries of State" were substituted:
9. All penalties provided by this Act to be recovered in a summary manner shall be recovered before the sheriff of the county in the sheriff court, or at the option of the person seeking to recover the same in the police court, in any place where a sheriff officiates as a police magistrate under the provisions of "The Summary Procedure Act, 1864," or of the Police Act in force for the time in any place in which a sheriff officiates as aforesaid, and all the jurisdiction, powers, and authorities necessary for this purpose are hereby conferred on sheriffs:

Every such penalty may be recovered at the instance of the procurator fiscal of the jurisdiction, or of the person who caused the analysis to be made from which it appeared that an offence had been committed against some one of the provisions of this Act:

Every penalty imposed and recovered under this Act shall be paid to the clerk of court, and by him shall be accounted for and paid to the treasurer of the county general assessment, or the police assessment of the burgh, as the sheriff shall direct:

10. Every penalty imposed by this Act may be reduced or mitigated according to the judgment of the sheriff:
11. It shall be competent to any person aggrieved by any conviction by a sheriff in any summary proceeding under this Act to appeal against the same to the next circuit court, or where there are no circuit courts to the High Court of Justiciary at Edinburgh, in the manner prescribed by such of the provisions of the Act of the twentieth year of the reign of King George the Second, chapter forty-three, and any Acts amending the same, as relate to appeals in matters criminal, and by and under the rules, limitations, conditions, and restrictions contained in the said provisions.

Interpretation of terms in application of Act to Ireland.

34. In the application of this Act to Ireland,—

The term "borough" shall mean any borough subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, intituled "An Act for the regulation of Municipal Corporations in Ireland:"

The term "county" shall include a county of a city and a county of a town not being a borough:

The term "assizes" shall, with respect to the county of Dublin, mean "presenting term:"

The term "treasurer of the county" shall include any person or persons or bank in any country performing duties analogous to those of the treasurer of the county in counties, and, with respect to the county of Dublin, it shall mean the finance committee:

The term "police constable" shall mean, with respect to the police district of Dublin metropolis, constable of the Dublin Metropolitan Police, and with respect to any other part of Ireland, constable of the Royal Irish Constabulary.

Commencement of the Act.

35. This Act shall commence on the first day of October one thousand eight hundred and seventy-five.

Title of the Act.

36. This Act may be cited as "The Sale of Food and Drugs Act, 1875."

S C H E D U L E

FORM OF CERTIFICATE

To*

I, the undersigned, public analyst for the
do hereby certify that I received on the day of
18 , from† , a sample of
for analysis (which then weighed‡), and have analysed the same,
and declare the result of my analysis to be as follows:—

I am of opinion that the same is a sample of genuine .

or,

I am of opinion that the said sample contained the parts as under, or the
per-centages of foreign ingredients as under.

Observations§

As witness my hand this

day of
A.B.,
at .

* Here insert the name of the person submitting the article for analysis.

† Here insert the name of the person delivering the sample.

‡ When the article cannot be conveniently weighed, this passage may be erased, or the blank may be left unfilled.

§ Here the analyst may insert at his discretion his opinion as to whether the mixture (if any) was for the purpose of rendering the article portable or palatable,

or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary, or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

In the case of a certificate regarding milk, butter, or any article, liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

PART IV

Texts of Canada's Food and Drug Acts and Regulations

1874

CHAPTER 8

AN ACT to impose License duties on Compounders of Spirits; to amend the "Act respecting the Inland Revenue;" and to prevent the Adulteration of Food, Drink and Drugs. [Assented to 26th May, 1874.]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Definition

Interpretation clause.

1. All spirits distilled or made in Canada shall be deemed and called Canadian Spirits.

Compounded Spirits shall mean and include all articles containing Canadian or other spirits, which are enumerated in the first schedule to this Act, or which may be added to such schedule by any order of the Governor in Council.

"*Compounder*" shall mean and include every person who by himself or his agent compounds or mixes for sale by wholesale any of the articles enumerated in the first schedule to this Act, or which may be added to such schedule by order of the Governor in Council.

Adulterated Liquor shall mean and include all spirituous and malt liquors, wines, cordials or other intoxicating liquors to which has been added any of the ingredients named in the second schedule to this Act, or added to such schedule by order of the Governor in Council.

Adulterated Food or Drink shall mean and include all articles of food or drink with which there has been mixed any deleterious ingredient, or any material or ingredient of less value than is understood or implied by the name under which the article is offered for sale.

Food means and includes every article used as food in the state in which it is offered for sale, or that is used in the preparation of food by admixture therewith, either before, during or after cooking.

Drink means and includes any liquid used as a beverage, and any article used in or for the preparation or partial preparation of any beverage.

Drug means and includes all articles used for curative or medicinal purposes.

Compounders must be licensed.

2. From and after the coming into force of this Act no person except such as shall have been licensed as herein provided shall carry on the business of a compounder.

Conditions of license and amount and form of bond. Conditions of bond.

3. A license to carry on business and to act as a compounder, and to sell by wholesale the articles compounded under such license may be granted to any party who has complied with the provisions of this Act: provided that the granting of the license has been approved by the District Inspector of Inland Revenue, and that the party has, jointly and severally with two good and sufficient sureties, entered into a bond to Her Majesty, her heirs and successors, in the sum of one thousand dollars; and such bond shall be taken before the

Collector of Inland Revenue, who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond, and shall be conditioned for the rendering of all accounts and the payment of all duties and penalties which the party to whom the license is granted will become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof according to their true intent and meaning, as well with regard to such accounts and penalties, as to all other matters and things whatsoever.

Duty on license.

4. The party in whose name a license is granted to act as a compounder, shall upon receiving such license pay to the Collector of Inland Revenue the sum of fifty dollars.

Accounts to be kept.

5. Every compounder shall make such entries and returns and keep such books and accounts as may be, from time to time, determined by Departmental regulations.

Inland Revenue Act to apply to compounder and his premises, and to his license.

6. All the definitions as to what constitutes the premises of a distiller and the utensils of a distiller, and all the liabilities of a distiller as to making entry of and designating his utensils and apparatus, or as to designating the apartments of the premises in which the business is carried on, shall apply to the compounder, and to his premises and utensils, and every license granted to a compounder shall be a license under the Act respecting the Inland Revenue herein cited.

And to articles made by him.

7. All the articles made by a compounder shall be liable to the same restrictions and provisions as to their removal from the premises in which they are made, and as to their removal from place to place, as Canadian or other spirits are liable to.

Articles so made to be designated by label, &c.

8. Every article made by a compounder shall be designated by some label or brand which shall shew the name of the compounder and the place at which such article was made; and the Governor in Council may, when it is deemed expedient so to do, order that such brands or labels, shall be in the form of a stamp, issued by the Department of Inland Revenue.

S. 136 of 31 V., c. 8, repealed and new section substituted.

9. The Act passed in the thirty-first year of Her Majesty's reign and intituled "*An Act respecting the Inland Revenue*," is hereby amended by repealing section one hundred and thirty-six of the said Act and substituting the following in its place:—

Penalty for using stamped or branded packages for goods on which duty has not been paid without defacing the stamp, &c.

"136. Every person who shall put into any bags, packages or casks which have been stamped or branded under this Act, any article or commodity subject to excise on which the duty imposed by this Act has not been paid or secured, or which has not been inspected as herein required, and every vendor of any package labelled, branded or sealed as required by this Act who shall fail to obliterate or deface such label, brand or seal before removing or allowing it to be removed from the licensed premises in which the article is made in the manner directed or required by any Departmental regulation in that behalf—

Punishment.

"Shall be guilty of a misdemeanor, and shall forfeit and pay, for every such offence, a penalty of five hundred dollars, and in addition thereto shall be punishable, at the discretion of the Court before which the case is tried, by imprisonment for a period of not more than three months.

Or bringing stamped vessels, &c., into manufacturer's premises without observing certain conditions.

2. "Every person who shall bring or cause to be brought into any place licensed under this Act, or who shall knowingly permit to remain in any licensed place belonging to him, or in which any business subject to excise is carried on under his supervision or control, any box, jar, barrel, bag or other package, such as is used for containing any of the articles subject to excise which are made in such licensed premises, and having attached to it any stamp, mark or brand, or a part of any stamp, mark or brand affixed thereto, under any provision of this Act, as evidence that the duty to which the contents of such box, jar, barrel, bag or other package is liable, has been paid or secured, or that the inspection to which such article is liable has been made, without first giving an exact return or account, with a description of such packages and of the marks or labels then upon them to the office of Inland Revenue, under whose survey his premises are, and obtaining a permit thereto—

Penalty and forfeiture.

"Shall forfeit and pay a penalty of five hundred dollars, and all articles subject to excise on the premises at the time such packages are discovered shall be seized as forfeited to the Crown."

Subs. 2 of s. 42, repealed and new subs. substituted.

10. Sub-section two of the forty-second section of the Act above cited is hereby repealed, and the following substituted therefor:—

Measuring fluids by gallons.

"2. All quantities of fluids shall be stated in the aforesaid books, returns, statements and descriptions, in gallons; and the quantity of any fluid in gallons shall, for all the purposes of this Act, be determined by weighing or gauging in such manner as may be, from time to time, prescribed by any Departmental regulation in that behalf."

S. 79 amended. Computation of duty for half-months. Removal of goods not allowed.

11. Section seventy-nine of the Act above cited is hereby amended by adding the following words:—"And the duty exigible on any article made during any half month shall be computed at the rate of duty to which it is or may be liable on the day upon which the return respecting it is required to be made; and no exciseable article shall be removed from the place in which it is made until an account of it has been included in the return herein mentioned, unless such removal is permitted by some general regulation made by the Department of Inland Revenue in that behalf."

Ss. 39, 57, 65, 66 and 80, amended. Measurement by bushels to be replaced by centals. Proviso.

12. The thirty-ninth, fifty-seventh, sixty-fifth, sixty-sixth and eightieth sections of the Act above cited are hereby amended by removing therefrom the words "bushel" or "bushels" wherever they or either of them occur in the said sections. And for the purpose of comparing the gauges of grain and malt as required by any provision of the said Act, the Department of Inland Revenue may, by regulation in that behalf, substitute such measure of capacity as will represent as nearly as may be a cental of barley or the sub-multiple of the cental: Provided always, that such substitution shall not increase or diminish the rate of duty charged on malt nor the quantity of malt required to be produced from a given quantity of barley or grain.

Governor in Council may add or take away articles in schedules.

13. It shall be lawful for the Governor by Order in Council to add to either of the schedules to this Act, or to remove from either of the said schedules any article or ingredient the addition or removal of which may, by him, be deemed necessary in the public interest. Every such order shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days from the date of such publication.

Analysts of food, &c., to be appointed.

14. The Governor may appoint in each Inland Revenue Division one or more persons possessing competent medical, chemical and microscopical knowledge, as analysts of food, drink and drugs purchased, sold or offered for sale within such division, and may cause such remuneration to be paid to such analysts as he may deem proper.

Duty of Inland Revenue officers. Adulterated articles to be seized and destroyed.

15. The officers of Inland Revenue, the Inspectors and Deputy Inspectors of Weights and Measures, and the Inspectors and Deputy Inspectors acting under the Act respecting the Inspection of staple commodities, or any of them, shall when required to do so by any regulation made in that behalf by the Department of Inland Revenue, procure and submit samples of food or drink or drugs suspected to be adulterated, to be analysed by the analysts appointed under this Act; and upon receiving a certificate signed by an analyst, that such article of food, or drink or drug is adulterated, shall seize the articles from which the sample was taken; and every such seizure shall be a seizure under the Act respecting the Inland Revenue herein cited, and shall be dealt with accordingly.

Analysts to report quarterly to Department.

16. Every analyst appointed under this Act shall report quarterly to the Department of Inland Revenue the number of articles of food, drink or drugs analyzed by him under this Act during the foregoing quarter, and shall specify the nature and kind of adulterations detected in such articles of food, drink or drugs; and all such reports or a synopsis of them shall be printed and laid before Parliament as an appendix to the annual report of the Minister of Inland Revenue.

Power to procure samples of articles offered for sale.

17. Any officer or person authorized under this Act may procure samples of food, drink and drugs which are required to be analyzed under this Act from any person having such articles in his possession, or selling or exposing the same for sale; he may procure such samples either by purchasing the same or by requiring the person in whose possession they are to shew him and allow him to inspect all such articles in his possession, and the place or places in which such articles are stored, and to give him samples of such articles on payment or tender of the value of such samples.

Penalty for refusal to admit officer, or furnish samples, &c.

18. If the person having such articles in his possession, or his agent or servant when required in pursuance of this Act, refuses or fails to admit the officer, or refuses or omits to shew all or any of the said articles in his possession, or the place where any such articles are stored, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he may require, he shall be liable to the same penalty and forfeiture as if he knowingly sold or exposed for sale adulterated articles.

Officer to cause samples to be analyzed. Duty of analyst. His certificate and its use.

19. When the officer has by either of the means aforesaid procured samples of the articles to be analyzed, he shall cause the same to be analyzed by one of the analysts appointed under this Act; and he shall give reasonable notice to the person from whom the sample was obtained, to enable such person, if he thinks fit, to attend when the sample is opened for analysis; and if it appears to the person so analyzing that the sample is adulterated within the meaning of this Act, he shall certify such fact, and the certificate so given shall be received as evidence in any proceedings that may be taken against any person in pursuance of this Act,—subject to the right of any person against whom proceedings are taken to require the attendance of the person making the analysis, for the purpose of cross-examination.

Right of party from whom the sample is obtained to prevent tampering with it. What the certificate must shew.

20. The person from whom any sample is obtained under this Act may require the officer obtaining it to annex to every vessel containing any such sample the name and address of such person, and to secure with a seal or seals belonging to him the vessel containing the sample and the address annexed thereto in such manner that the vessel cannot be opened or the name and address taken off without breaking such seals; and a corresponding sample sealed by such officer with his own seal shall, if required, be left with the person from whom the sample is taken for reference in case of disputes as to the correctness of the analysis or otherwise; and the certificate of the person who analyses such samples shall state the name and address of the person from whom they were obtained, and that the vessels were not open, and that the seals securing to the vessels the name and address of such person were not broken until such time as he opened the vessels for the purpose of making his analysis; and in such case as aforesaid no certificate shall be receivable in evidence unless there is contained therein such statement as above or to the like effect.

Expense of analysis, how paid.

21. Any expenses incurred in analyzing any food, drink or drugs in pursuance of this Act shall, if the person from whom the sample is taken be convicted of having in his possession, selling or exposing for sale adulterated food, drink or drugs in contravention of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly. In any other event such expenses shall be paid as part of the expenses of the officer who procured the sample.

Penalty on persons mixing deleterious articles with food, &c. Second offence.

22. Every person who shall wilfully admix, and every person who shall order any other person to admix with any article of food or drink any deleterious or poisonous ingredient or material to adulterate the same for sale, and every person who shall wilfully admix and every person who shall order any other person to admix any ingredient or material with any drug to adulterate the same for sale, shall, for the first offence, forfeit and pay a penalty of one hundred dollars, together with the costs attending the conviction, and for the second offence shall be guilty of a misdemeanor, and be imprisoned for a period not exceeding six calendar months with hard labor.

Or offering articles so mixed for sale. And for subsequent offence.

23. Every person who shall sell or offer for sale any article of food or drink with which, to the knowledge of such person, any deleterious ingredient or material injurious to the health of persons eating or drinking such article has been mixed, and every person who shall sell as unadulterated any article of food or drink or any article commonly used in the preparation of food or drink or any drug which is adulterated, shall, for every such offence, on conviction of the same, pay a penalty of one hundred dollars, together with the costs attending such conviction; and if any person so convicted shall afterwards commit a like offence, he shall pay a penalty of two hundred dollars, and in either case the adulterated articles shall be seized as forfeited to the Crown.

Who shall be held to have sold adulterated food, &c.

24. Any person who shall sell any article of food or drink or any drug, knowing the same to have been mixed with any other substance with intent fraudulently to increase its weight or bulk, and who shall not declare such admixture to any purchaser thereof before delivering the same, and no other, shall be deemed to have sold an adulterated article of food, or drink, or drug as the case may be, under this Act.

As to adulterated drinks.

Every person who mixes or causes to be mixed with any intoxicating liquors sold or exposed for sale by him, any deleterious ingredient, that is to say, any of the ingredients specified in the second schedule to this Act, or added to such schedule by any Order in Council made under this Act, or any ingredient deleterious to health;

Keeping or selling them.

Every person who sells, or keeps, or exposes for sale any intoxicating liquors mixed with any deleterious ingredient; and

Compounders, &c., knowingly having adulterated liquors in possession. Penalty. Subsequent offence.

Every compounder, or dealer in, and every manufacturer of intoxicating liquors, who has in his possession or in any part of the premises occupied by him as such, any adulterated liquor, knowing it to be adulterated, or any deleterious ingredient specified in the second schedule hereto, or added to such schedule by order of the Governor in Council, for the possession of which he is unable to account to the satisfaction of the court before which the case is tried, shall be deemed knowingly to have exposed for sale adulterated liquor; and shall be liable for the first offence to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding one month, with or without hard labour; and for the second or any succeeding offence, to a penalty not exceeding four hundred dollars, or to imprisonment for a time not exceeding three months with or without hard labour.

How this Act shall be construed and applied. 31 V., c. 8.

25. This Act shall be read and construed as one Act with the Act passed in the thirty-first year of Her Majesty's reign, and entitled "*An Act respecting the Inland Revenue*," and every clause, matter or thing, in the said Act, whether enacted with special reference to any particular business or trade, or with general reference to the collection of Revenue; or the prevention, detection or punishment of fraud or neglect in relation thereto, shall extend, apply, be construed and have effect with reference to this Act as if they had been enacted with special reference to the matters and things herein enacted.

Penalties, &c., to be enforced as if incurred under that Act.

Every penalty or forfeiture hereby imposed may be enforced and dealt with as if imposed under the said Act, and every compounder, and the apparatus used by him, and the place in which his business is carried on, and the articles made or compounded by him, or used in compounding any such article, shall be "subject to excise" under the said Act; and any person acting as a compounder without a license shall be liable to the like penalties and forfeitures as a distiller acting without a license under the said Act; and a license under this Act shall be granted and renewable or forfeited as and for like periods and on like conditions, as a distiller's license under the said Act, subject to any provisions or alterations made by regulations of the Governor in Council, as hereinafter provided.

Governor in Council may make regulations for purposes of this Act.

The Governor in Council may, from time to time, make such regulations as to him may seem necessary for carrying into effect the provisions of this Act, and for declaring, in cases of doubt, to what extent the provisions of the Act herein cited shall apply to the enforcement of the provisions of this Act; and every such regulation published in the *Canada Gazette* shall have the same effect in law as if contained in this Act.

Commencement, and short title.

26. This Act shall take effect from and after the first day of January, 1875, and may be cited as the "*Inland Revenue Act of 1875*."

SCHEDULES TO WHICH THIS ACT REFERS

FIRST SCHEDULE

Imitations of British or foreign wines, brandy, rum, gin, old tom, Geneva schnapps, British or foreign whiskey, and bitter liqueurs and cordials when containing alcohol.

SECOND SCHEDULE

Deleterious Ingredients

Cocculus indicus, chloride of sodium (otherwise common salt), copperas, opium, Indian hemp, strychnine, tobacco, darnel seed, extract of logwood, salts of zinc or lead, alum, and any extract or compound of any of the above ingredients.

1877

CHAPTER 13

AN ACT to amend "An Act to impose License Duties on Compounders of Spirits, to amend the Act respecting the Inland Revenue, and to prevent the Adulteration of Food, Drink and Drugs."

[Assented to 28th April, 1877.]

Preamble. 37 V. c. 8.

In amendment of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "*An Act to impose License Duties on Compounders of Spirits, to amend the Act respecting the Inland Revenue, and to prevent the Adulteration of Food, Drink and Drugs.*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 1 amended.

1. The first section of the said Act is hereby amended by adding to the definition of *Adulterated Food or Drink*, at the end thereof, the following words:—

Definition.

"Or from which any essential constituent part or ingredient has been in whole or in part abstracted."

1878

CHAPTER 11

AN ACT to amend the Act thirty-seventh Victoria, chapter eight, intituled "An Act to impose license duties on compounders of spirits: to amend the Act respecting the Inland Revenue, and to prevent the adulteration of Food, Drink and Drugs."

[Assented to 10th May, 1878.]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 23 of 37 V. c. 8, amended. Penalty for selling a purchaser an article other than that he believed he was buying. Proviso: Exception.

1. Section twenty-three of the Act passed in the thirty-seventh year of Her Majesty's reign, and chaptered eight, is hereby amended by striking out all after the words "any drug which is adulterated" in the seventh line, and substituting the following: "And every person who shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance and quality of the article demanded by such purchaser, shall for every such offence on conviction of the same, incur and pay a penalty of one hundred

dollars, together with the costs attending such conviction; and if any person so convicted shall afterwards commit a like offence, he shall incur and pay a penalty of two hundred dollars, and in either case the adulterated or fraudulent articles shall be forfeited to the Crown: Provided that an offence shall not be deemed to be committed under this section in the following cases:—

Ingredient not injurious, necessarily added.

"(1) When any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drug, or to conceal the inferior quality thereof.

Proprietary medicines.

"(2) When the drug or food is a proprietary medicine or is the subject of a patent in force, and is supplied in the state required by the specification of the patent.

Extraneous substance unavoidably mixed.

"(3) When the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation."

Butter containing certain ingredients to be branded, &c., or label delivered with it.

2. Every person who shall manufacture for sale or who shall offer or expose for sale any article or substance in semblance of butter, but not the legitimate produce of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animals not produced from milk enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance the word "oleo-margarine," and in case of retail sale of such article or substance in parcels, the seller shall, in all cases, deliver therewith to the purchaser a written or printed label bearing plainly written or printed thereon the words "oleo-margarine."

Penalty for contravention of sect. 2.

3. Every person who shall knowingly sell or offer to sell, or have in his or her possession with intent to sell, contrary to the provisions of the second section of this Act, any of the said articles or substances required by the said section to be stamped, marked or labelled, without having the vessel or package containing it so stamped, marked or labelled, as therein stated, or in case of retail sale, without delivery of a stamp or label, as required by the said section, shall, for each offence, incur a penalty of one hundred dollars.

Construction of Act and short title.

4. This Act shall be construed as one Act with the Act hereby amended and the Act thereby amended, and the three Acts may be cited together as "*The Inland Revenue Acts of 1867, 1874 and 1878.*"

1884

CHAPTER 34

AN ACT to amend and to consolidate as amended the several Acts respecting the Adulteration of Food and Drugs. [Assented to 19th April, 1884.]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as "*The Adulteration of Food Act, 1884.*"

Interpretation

Interpretation.

2. In this Act, unless the context otherwise requires:—

"Food."

The expression "Food" includes every article used for food or drink by man;

"Drug."

The expression "Drug" includes all medicines for internal or external use;

"Officer."

The expression "Officer" means any officer of Inland Revenue, or any person authorized under this Act to procure samples of articles of food or drugs and to submit them for analysis:

"Adulterated."

2. An article is deemed to be "adulterated" within the meaning of this Act,—

As to drugs.

(a) In the case of Drugs:—

- (1) If, when sold or offered or exposed for sale under or by a name recognized in the British or United States Pharmacopœia, it differs from the standard of strength, quality, or purity laid down in either;
- (2) If, when sold or offered or exposed for sale under or by a name not recognized in the British or United States Pharmacopœia, but which is found in some other generally recognized pharmacopœia or other standard work on *materia medica*, it differs from the standard of strength, quality, or purity laid down in such work;
- (3) If its strength or purity falls below the professed standard under which it is sold or offered or exposed for sale:

As to food.

(b) In the case of Food:—

- (1) If any substance has been mixed with it, so as to reduce or lower or injuriously affect its quality or strength;
- (2) If any inferior or cheaper substance has been substituted wholly or in part for the article;
- (3) If any valuable constituent of the article has been wholly or in part abstracted;
- (4) If it is an imitation of, or is sold under the name of, another article;
- (5) If it consists wholly or in part of a diseased or decomposed, or putrid or rotten animal or vegetable substance, whether manufactured or not,—or, in the case of milk or butter, if it is the produce of a diseased animal, or of an animal fed upon unwholesome food;
- (6) If it contains any added poisonous ingredient, or any ingredient which may render such an article injurious to the health of a person consuming it:

Exceptions.

(c) Provided that the foregoing definitions shall not apply,—

- (1) When any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drug, or to conceal the inferior quality thereof, provided such articles are distinctly labelled as a mixture, stating the components of such mixture;

- (2) When the drug or food is a proprietary medicine or is the subject of a patent in force and is supplied in the state required by the specification of the patent;
- (3) When the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation;
- (4) When any articles of food not injurious to the health of the person consuming the same are mixed together and sold or offered for sale as a compound, provided such articles are distinctly labelled as a mixture, stating the components of such mixture, and the proportions of each of such components.

Administration

Analysts may be appointed. Chief Analyst.

3. The Governor in Council may appoint one or more persons possessing competent medical, chemical and microscopical knowledge as analysts of food and drugs purchased, sold, or exposed or offered for sale within such territorial limits as may be assigned to each of them respectively, and may also select from among the aforesaid analysts so appointed, or may appoint, in addition thereto, a chief analyst, who shall be attached to the staff of the Department of Inland Revenue at Ottawa.

Their remuneration.

4. The Governor in Council may cause such remuneration to be paid to such chief analyst and to such analysts as he deems proper, and such remuneration, whether by fees or salary or in part by both, may be paid to them out of any sums voted by Parliament for the purposes of this Act.

Certain officers to procure samples for analysis, 37 V., c. 45.

5. The officers of Inland Revenue, the Inspectors and Deputy Inspectors of Weights and Measures, and the Inspectors and Deputy Inspectors acting under "The General Inspection Act, 1874," or any of them, shall when required to do so by any regulation made in that behalf by the Department of Inland Revenue, procure and submit samples of food or drugs suspected to be adulterated, to be analyzed by the analysts appointed under this Act.

Appointment of inspectors; their powers.

6. The council of any city, town, county or village may appoint one or more inspectors of food and drugs; and such inspectors shall, for the purposes of this Act, have all the powers by this Act vested in officers of Inland Revenue; and any such Inspector may require any public analyst to analyze any samples of food or drugs collected by him, provided such samples have been collected in accordance with the requirements of this Act:

Samples to be analyzed.

2. The said analyst shall, upon tender of the fees fixed for the analysis of such class of articles by the Governor in Council, forthwith analyze the same, and hand to the Inspector a certificate of such analyses:

Prosecution of offender by Inspector.

3. Such Inspector may prosecute any person manufacturing, selling, or offering or exposing for sale within the city, county, town or village for which he has been appointed Inspector, any article of food or drug which has been certified by any public analyst to have been adulterated within the meaning of this Act:

Disposal of penalty in such cases.

4. Notwithstanding any other provision of this Act in respect of the disposition of penalties, any penalties imposed and recovered at the suit of any such Inspector shall be paid into the revenues of the city, county, town or village by which such Inspector was appointed, and may be distributed in such manner as the council of such city, county, town or village by by-law directs.

Officer may procure samples.

7. Any officer may procure samples of food and drugs which have not been declared to be exempt from the provisions of this Act, from any person having such articles in his possession for the purpose of sale, or selling or exposing the same for sale; he may procure such samples either by purchasing the same or by requiring the person in whose possession they are to show him and allow him to inspect all such articles in his possession, and the place or places in which such articles are stored, and to give him samples of such articles, on payment or tender of the value of such samples.

Person refusing to admit officer, &c., to be punishable as for adulteration.

8. If the person having such articles in his possession, or his agent or servant, refuses or fails to admit the officer, or refuses or omits to show all or any of the said articles in his possession, or the place where any such articles are stored, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he requires, when required so to do in pursuance of this Act, he shall be liable to the same penalty as if he knowingly sold or exposed for sale adulterated articles.

Notification to seller, and division of sample. Disposal of the several portions.

9. The officer purchasing any article with the intention of submitting the same to be analysed shall, after the purchase has been completed, forthwith notify to the seller or his agent selling the article, his intention to have the same analyzed by the public analyst, and shall offer to divide the article into three parts, to be then and there separated, and each part to be marked and sealed up or fastened up, as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent: he shall afterwards retain one of the said parts for submission to the chief analyst in case of appeal, and shall submit the third part, if he deems it right to have the article analyzed, to the analyst.

Provision if seller is not a party to the division.

10. If the seller or his agent does not accept the offer of the officer to divide the article purchased in his presence, the analyst receiving the same article for analysis shall divide it into two parts, and shall seal or fasten up one of such parts, and shall cause it to be delivered to the officer, either upon receipt of the sample, or when he supplies his certificate, and the officer shall retain the same for production, in case proceedings are afterwards taken in the matter.

Person furnishing sample may require proceedings for verification.

11. The person from whom any sample is obtained under this Act may require the officer obtaining it to annex to every vessel containing the sample the name and address of such person, and to secure with a seal or seals belonging to him the vessel containing the sample, and the address annexed thereto, in such manner that the vessel cannot be opened or the name and address taken off without breaking such seals; and the certificate of the person who analyzes such samples shall state the name and address of the person from whom they were obtained, and that the vessels were not open, and that the seals securing to the vessels the name and address of such person were not broken until such time as he opened the vessels for the purpose of making his analysis; and in such case, as aforesaid, no certificate shall be receivable in evidence, unless there is contained therein such statement as above, or a statement to the like effect.

Analysis of samples. Certificate. Certificate to be evidence.

12. When the officer has, by either of the means aforesaid, procured samples of the articles to be analyzed, he shall cause the same to be analyzed by one of the analysts appointed under this Act, and he shall give reasonable notice to the person from whom the sample was obtained, to enable such person, if he thinks fit, to attend when the sample is opened for identification; and if it appears to the analyst that the sample is adulterated within the meaning of this Act, he shall certify such fact, stating in such certificate whether such adulteration is of a nature injurious to the health of the person consuming the same; and the certificate so given shall be received as evidence in any proceed-

ings that may be taken against any person in pursuance of this Act, subject to the right of any person against whom proceedings are taken to require the attendance of the analyst, for the purpose of cross-examination.

Appeal; form and conditions thereof. Proceedings thereunder. Decision of chief analyst.

13. If the vendor of the article respecting which such certificate has been given, deems himself to be aggrieved thereby, he may, within forty-eight hours of the receipt of the first notification of the intention of the officer or other purchaser to take proceedings against him, whether such notification is given by the purchaser or by the ordinary process of law, notify the said officer or purchaser in writing that he intends to appeal from the decision of the analyst to the judgment of the chief analyst: in such case the officer or purchaser shall transmit such notification to the chief analyst, together with the portion of the sample retained by him for that purpose, and the chief analyst shall, with all convenient speed, analyze the same and report thereon to the Department of Inland Revenue; and the decision of such chief analyst, if concurred in by the said Department, shall be final:

Proviso: no appeal if no chief analyst.

2. This section shall not have force or effect unless a chief analyst has been appointed, to whom an appeal under this section can be made.

Reports by analysts to Inland Revenue Department. Publication.

14. Every analyst appointed under this Act shall report quarterly to the Department of Inland Revenue the number of articles of food or drugs analyzed by him under this Act during the foregoing quarter, and shall specify the nature and kind of adulterations detected in such articles of food or drugs; and all such reports, or a synopsis of them, shall be printed and laid before Parliament as an appendix to the annual report of the Minister of Inland Revenue.

General Provisions

Sale of adulterated articles prohibited.

15. No person shall manufacture, expose or offer for sale, or sell any article of food or drug which is adulterated within the meaning of this Act.

As to sophistication of milk. Penalty. Exception, as to skimmed milk. Proviso.

16. If milk is sold or offered or exposed for sale after any valuable constituent of the article has been abstracted therefrom, or if water has been added thereto, or if it is the product of a diseased animal or of an animal fed upon unwholesome food, it shall be deemed to have been adulterated in a manner injurious to health, and such sale, offer or exposure for sale shall render the vendor liable to the penalty hereinafter provided in respect of the sale of adulterated food; except that skimmed milk may be sold as such if contained in cans bearing upon their exterior, within twelve inches of the tops of such vessels, the word "skimmed" in letters of not less than two inches in length, and served in measures also similarly marked,—but any person supplying such skimmed milk, unless such quality of milk has been asked for by the purchaser, shall not be entitled to plead this section in extenuation of any contravention of this Act:

As to admixture of water.

2. Nothing in this section shall be interpreted to permit or warrant the admixture of water with milk, or any other process than the removal of cream by skimming.

Liquor deemed adulterated if certain articles are found therein.

17. Alcoholic, fermented or other potable liquors sold or offered or exposed for sale, shall be deemed to have been adulterated in a manner injurious to health, if they are found to contain any of the articles mentioned in the schedule to this Act, or any article hereafter added to such schedule by the Governor in Council.

Exemptions by O.C. and additions to schedule. Publication.

18. The Governor in Council may, from time to time, declare certain articles or preparations to be exempt from the provisions of this Act, and may add to the schedule to this Act, any article or ingredient, the addition of which is, by him, deemed necessary in the public interest: every such order shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days from the date of such publication.

Lists of exemptions to be prepared.

19. The Department of Inland Revenue shall, from time to time, prepare and publish lists of the articles, mixtures or compounds declared to be exempt from the provisions of this Act in accordance with the next preceding section, and shall also, from time to time, fix the limits of variability permissible in any article of food or drug, or compound, the standard of which is not established by any such pharmacopœia or standard work as is hereinbefore mentioned; and the departmental orders fixing the same shall be published in the *Canada Gazette*, and take effect at the expiration of thirty days after the publication thereof.

As to adulteration of vinegar.

20. Vinegar sold or offered or exposed for sale, shall be deemed to have been adulterated in a manner injurious to health, if any mineral acid has been added thereto, or if it contain any soluble salt having copper or lead as a base thereof,—whether such salt or mineral acid shall have been added, either during the process of manufacture or subsequently.

Inland Revenue Act, 46 V., c. 15, to apply.

21. The provisions of the Act passed in the forty-sixth year of Her Majesty's reign and intituled "*An Act to consolidate and amend the several Acts respecting the Inland Revenue*," whether enacted with special reference to any particular business or trade, or with general reference to the collection of the revenue, or the prevention, detection or punishment of fraud or neglect in relation thereto, shall extend, apply, be construed and have effect with reference to this Act as if they had been enacted with special reference to the matters and things herein provided for.

Enforcement of penalties.

22. Every penalty hereby imposed may be enforced and dealt with as if imposed under the said Act, and every compounder, and the apparatus used by him, and the place in which his business is carried on, and the articles made or compounded by him, or used in compounding any such article shall be "subject to excise" under the said Act.

Regulations by the Governor in Council.

23. The Governor in Council may, from time to time, make such regulations as to him seem necessary for carrying the provisions of this Act into effect.

Submission for analysis by other than an officer allowed.

24. Nothing herein contained shall be held to preclude any person from submitting any sample of food or drug for analysis to any public analyst, or from prosecuting the vendor thereof, if such article is found to be adulterated; but the burden of proof of sale and of the fact that the sample was not tampered with after purchase, shall be upon the person so submitting the same:

Analyst's duty in such case.

2. Any public analyst shall analyze such sample on payment of the fee provided in respect of such article or class of article, by the Governor in Council.

Provision as to costs.

25. Any expenses incurred in analyzing any food or drug, in pursuance of this Act, shall, if the person from whom the sample is taken is convicted of having in his possession, selling, offering or exposing for sale, adulterated food or drugs in contravention of this Act, be deemed to be a portion of the costs

of the proceedings against him, and shall be paid by him accordingly; in all other cases such expenses shall be paid as part of the expenses of the offence, or by the person who procured the sample, as the case may be.

Penalties

Penalty for adulteration.

26. Every person who wilfully adulterates any article of food or any drug or orders any other person so to do, shall, on conviction,—

When injurious to health.

(a) If such adulteration is deemed to be, within the meaning of this Act, injurious to health, for the first offence incur a penalty not exceeding fifty dollars or less than ten dollars together with the costs of the conviction, and for each subsequent offence a penalty of not less than fifty dollars and not exceeding two hundred dollars, together with the costs of the conviction.

When not injurious to health.

(b) If such adulteration is deemed not to be injurious to health, incur a penalty not exceeding thirty dollars, together with the costs of the conviction, and for each subsequent offence a penalty not exceeding one hundred dollars and not less than fifty dollars together with the costs of the conviction.

Penalty for selling adulterated articles.

27. Every person who by himself or his agent sells, offers for sale, or exposes for sale any article of food or any drug, found to be adulterated within the meaning of this Act, shall, on conviction,—

When injurious to health.

(a) If such adulteration is deemed to be within the meaning of this Act injurious to health, for a first offence incur a penalty not exceeding fifty dollars, together with the costs of the conviction, and for each subsequent offence a penalty of not less than fifty or more than two hundred dollars, together with the costs of the conviction:

When not injurious to health.

(b) If such adulteration is not deemed to be within the meaning of this Act injurious to health, incur for each such offence a penalty of not less than five or more than fifty dollars, together with the costs of the conviction:

Proviso: as to sale without knowledge.

(c) Provided, that if the person accused proves to the court before which the case is tried that he did not know of the article being adulterated, and shows that he could not with reasonable diligence have obtained that knowledge, he shall be subject only to pay the costs attending such prosecution.

Adulteration of intoxicating liquors. Penalty.

28. Every compounder or dealer in and every manufacturer of intoxicating liquors, who has in his possession or in any part of the premises occupied by him as such, any adulterated liquor, knowing it to be adulterated, or any deleterious ingredient specified in the schedule hereto, or added to such schedule by Order of the Governor in Council, for the possession of which he is unable to account to the satisfaction of the court before which the case is tried, shall be deemed knowingly to have exposed for sale adulterated food, and shall be liable for the first offence to a penalty of not more than one hundred dollars, and for each subsequent offence to a penalty of not more than four hundred dollars.

Disposal of penalties.

29. All penalties imposed and recovered under this Act, except as herein otherwise provided, shall be paid in to the Minister of Finance and Receiver General, to form part of the Consolidated Revenue Fund of Canada.

Repeal

Repeal; 37 V., c. 8, 40 V., c. 13, 41 V., c. 11, 46 V., c. 30, s. 79, sub-s. 1. Proviso: as to effect of repeal. How this Act shall be construed.

30. So much of the Act passed in the thirty seventh year of Her Majesty's reign, chaptered eight, as remains unrepealed, the Act passed in the fortieth year of Her Majesty's reign, chaptered thirteen, the Act passed in the forty first year of Her Majesty's reign, chaptered eleven, and sub-section one of section seventy-nine of "*The Liquor License Act, 1883*," are hereby repealed, and this Act is substituted for them: Provided always, that all Orders in Council and regulations made under the Acts hereby repealed shall remain in force until revoked or altered by competent authority: and all things lawfully done and all rights acquired under the said Acts, or any of them, shall remain valid and may be enforced, and all offences committed or liabilities incurred under them or any of them, may be prosecuted, punished and enforced, and all proceedings and things lawfully commenced under them, or any of them, may be continued and completed, under the said Acts or under corresponding provisions of this Act,—which shall not be construed as a new law but as a consolidation and continuation of the said repealed Acts,—subject to the amendments and new provisions hereby made and incorporated with them.

Commencement of Act.

31. This Act shall come into force upon the first day of July, eighteen hundred and eighty-four.

SCHEDULE

Cocculus indicus, chloride of sodium (otherwise common salt), copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, tobacco, dandel seed, extract of logwood, salts of zinc, copper or lead alum, and any extract or compound of any of the above ingredients.

1885

CHAPTER 67

AN ACT respecting the Adulteration of Food, Drugs and Agricultural Fertilizers.

[Assented to 20th July, 1885.]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short Title

Short title.

1. This Act, may be cited as "*The Adulteration Act*."

Interpretation

Interpretation.

2. In this Act, unless the context otherwise requires,—

"Food."

(a) The expression "food" includes every article used for food or drink by man or by cattle:

"Drug."

(b) The expression "drug" includes all medicines for internal or external use for man or for cattle:

"Agricultural fertilizer."

(c) The expression "agricultural fertilizer" means and includes every substance imported, manufactured, prepared or disposed of for fertilizing or manur-

ing purposes, which is sold at more than ten dollars per ton and which contains phosphoric acid, or ammonia or its equivalent of nitrogen:

"Officer."

(d) The expression "officer" means any officer of Inland Revenue, or any person authorized under this Act or any Act respecting agricultural fertilizers to procure samples of articles of food, drugs or agricultural fertilizers and to submit them for analysis:

Adulterated food, what shall be deemed such.

(e) Food shall be deemed to be "adulterated" within the meaning of this Act,—

- (1) If any substance has been mixed with it, so as to reduce or lower or injuriously affect its quality or strength;
- (2) If any inferior or cheaper substance has been substituted, wholly or in part, for the article;
- (3) If any valuable constituent of the article has been wholly or in part abstracted;
- (4) If it is an imitation of, or is sold under the name of, another article;
- (5) If it consists wholly or in part of a diseased or decomposed or putrid or rotten animal or vegetable substance, whether manufactured or not; or in the case of milk or butter, if it is the produce of a diseased animal, or of an animal fed upon unwholesome food;
- (6) If it contains any added poisonous ingredient, or any ingredient which may render such an article injurious to the health of a person consuming it:

Adulterated drugs, what shall be deemed such.

(f) Every drug shall be deemed to be "adulterated" within the meaning of this Act,—

- (1) If, when sold, or offered or exposed for sale, under or by a name recognized in the British or United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein;
- (2) If, when sold, or offered or exposed for sale, under or by a name not recognized in the British or United States Pharmacopœia, but which is found in some other generally recognized pharmacopœia or other standard work on *materia medica*, it differs from the standard of strength, quality or purity laid down in such work;
- (3) If its strength or purity falls below the professed standard under which it is sold or offered or exposed for sale:

Exceptions.

(g) Provided, that the foregoing definitions as to the adulteration of food and drugs shall not apply,—

Addition of non-injurious matter.

- (1) When any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drug, or to conceal the inferior quality thereof, if such articles are distinctly labelled as a mixture, in conspicuous characters, forming an inseparable part of the general label, which shall also bear the name and address of the manufacturer;

Patented articles.

- (2) When the food or drug is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent;

Unavoidable mixture.

- (3) When the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation;

Compounds of articles not injurious.

- (4) When any articles of food not injurious to the health of the person consuming the same are mixed together and sold or offered for sale as a compound, if such articles are distinctly labeled as a mixture, in conspicuous characters, forming an inseparable part of the general label, which shall also bear the name and address of the manufacturer:

Agricultural fertilizers, when to be deemed adulterated.

(h) Every agricultural fertilizer shall be deemed to be "adulterated" within the meaning of this Act, if, when sold, offered or exposed for sale, the chemical analysis thereof shows a deficiency of more than one per cent. of any of the chemical substances, the percentages whereof are required to be specified in the certificate, by any Act respecting agricultural fertilizers required to be affixed to each barrel, box, sack or package containing the same, or, if the agricultural fertilizer is in bulk, to be produced to the inspector; or if it contains less than the minimum percentage of such substances required by the said Act to be contained in such fertilizer.

Analysis*Analysts may be appointed. Chief analyst.*

3. The Governor in Council may appoint one or more persons possessing competent medical, chemical or microscopical knowledge as analysts of food, drugs and agricultural fertilizers purchased, sold, or exposed or offered for sale within such territorial limits as are assigned to each of them respectively, and may also select from among the aforesaid analysts so appointed, or may appoint, in addition thereto, a chief analyst, who shall be attached to the staff of the Department of Inland Revenue at Ottawa:

Remuneration.

4. The Governor in Council may cause such remuneration to be paid to such chief analyst and to such analysts as he deems proper, and such remuneration, whether by fees or salary, or partly in one way and partly in the other, may be paid to them out of any sums voted by Parliament for the purposes of this Act.

Certain officers may obtain samples of articles.

5. The officers of Inland Revenue, the inspectors and deputy inspectors of weights and measures, and the inspectors and deputy inspectors acting under "The General Inspection Act, 1874," or any of them, shall, when required so to do by any regulation made in that behalf by the Minister of Inland Revenue, procure and submit samples of food, drugs or agricultural fertilizers suspected to be adulterated, to be analyzed by the analysts appointed under this Act.

Inspectors of articles and their powers.

6. The council of any city, town, county or village may appoint one or more inspectors of food, drugs and agricultural fertilizers; and such inspectors shall, for the purposes of this Act, have all the powers by this Act vested in officers of Inland Revenue; and any such inspector may require any public analyst to analyze any samples of food, drugs or agricultural fertilizers collected by him, if such samples have been collected in accordance with the requirements of this Act:

Analysis.

2. The said analyst shall, upon tender of the fees fixed for the analysis of such class of articles by the Governor in Council, forthwith analyze the same, and give the inspector a certificate of such analysis:

Inspector may prosecute.

3. Such inspector may prosecute any person manufacturing, selling or offering or exposing for sale within the city, county, town or village for which he is appointed inspector, any article of food, drug or agricultural fertilizer which has been certified by any public analyst to have been adulterated within the meaning of this Act:

Application of penalties.

4. Notwithstanding any other provision of this Act in respect to the disposition of penalties, all penalties imposed and recovered at the suit of any such inspector shall be paid into the revenue of the city, county, town or village by which such inspector was appointed, and may be distributed in such manner as the council of such city, county, town or village by by-law directs.

How samples may be obtained.

7. Any officer may procure samples of food, drugs or agricultural fertilizers which have not been declared exempt from the provisions of this Act, from any person who has such articles in his possession for the purpose of sale, or who sells or exposes the same for sale; and he may procure such samples either by purchasing the same or by requiring the person in whose possession they are to show him and allow him to inspect all such articles in his possession, and the place or places in which such articles are stored, and to give him samples of such articles on payment or tender of the value of such samples.

Penalty for refusing to deliver sample, &c.

8. If the person who has such articles in his possession, or his agent or servant, refuses or fails to admit the officer, or refuses or omits to show all or any of the said articles in his possession, or the place in which any such articles are stored, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he requires, when required so to do in pursuance of this Act, he shall be liable to the same penalty as if he knowingly sold or exposed for sale adulterated articles knowing them to be adulterated.

Duty of officer on obtaining sample. Division of sample.

9. The officer purchasing any article with the intention of submitting the same to be analyzed, shall, after the purchase has been completed, forthwith notify the seller or his agent selling the article, of his intention to have the same analyzed by the public analyst, and shall, except in specific cases, respecting which provision is made by Order of the Governor in Council, divide the article into three parts, to be then and there separated, and each part to be marked and sealed up or fastened up, as its nature permits, and shall deliver one of the parts to the seller or his agent, if required by him so to do:

Transmission of parts for analysis.

2. He shall transmit another of such parts to the Minister, of Inland Revenue for submission to the chief analyst in case of appeal, and shall submit the remaining part to the analyst for the district within which the samples were taken, unless otherwise directed by the Minister of Inland Revenue.

Seller may require seal to be affixed. Certificate in such case. When to be evidence.

10. The person from whom any sample is obtained under this Act may require the officer obtaining it to annex to the vessel or package containing the part of the sample which he is hereby required to transmit to the Minister of Inland Revenue the name and address of such person, and to secure, with a seal or seals belonging to him, the vessel or package containing such part of the sample, and the address annexed thereto, in such manner that the vessel or package cannot be opened or the name and address taken off without breaking such seals; and the certificate of the chief analyst shall state the name and address of the person from whom the said sample was obtained, that the vessel or package was not open, and that the seals securing to the vessel or package the name and address of such person, were not broken until such time as he

opened the vessel or package for the purpose of making his analysis; and in such case no certificate shall be receivable in evidence, unless there is contained therein such statement as above, or a statement to the like effect.

Proceedings for analysis. Certificate if sample is adulterated. Effect of certificate as evidence.

11. When the officer has, by either of the means aforesaid, procured samples of the articles to be analyzed, he shall cause the same to be analyzed by one of the analysts appointed under this Act, and if it appears to the analyst that the sample is adulterated within the meaning of this Act, he shall certify such fact, stating in such certificate, in the case of an article of food or a drug, whether such adulteration is of a nature injurious to the health of the person consuming the same; and the certificate so given shall be received as evidence in any proceedings taken against any person in pursuance of this Act, subject to the right of any person against whom proceedings are taken to require the attendance of the analyst, for the purpose of cross-examination.

Appeal to chief analyst. Proceedings in such case. Report of chief analyst final.

12. If the vendor of the article respecting which such certificate is given, deems himself aggrieved thereby, he may, within forty-eight hours of the receipt of the first notification of the intention of the officer or other purchaser to take proceedings against him (whether such notification is given by the purchaser or by the ordinary process of law), notify the said officer or purchaser in writing that he intends to appeal from the decision of the analyst to the judgment of the chief analyst: and in such case the officer or purchaser shall transmit such notification to the chief analyst, and the chief analyst shall, with all convenient speed, analyze the part of the sample transmitted to the Minister of Inland Revenue for that purpose, and shall report thereon to the said Minister; and the decision of such chief analyst shall be final, and his certificate thereof shall have the same effect as the certificate of the analyst in the preceding section mentioned.

Report for Parliament by analysts. To be printed

13. Every analyst appointed under this Act shall report quarterly to the Minister of Inland Revenue the number of articles of food, drugs and agricultural fertilizers, analyzed by him under this Act during the preceding quarter, and shall specify the nature and kind of adulterations detected in such articles of food, drugs and agricultural fertilizers; and all such reports, or a synopsis of them, and the names of the vendors or persons from whom obtained, and of the manufacturers when known, shall be printed and laid before Parliament as an appendix to the annual report of the said Minister.

Adulteration

No adulterated article to be sold.

14. No person shall manufacture, expose or offer for sale, or sell any food, drug or agricultural fertilizer, which is adulterated within the meaning of this Act.

What shall be deemed adulterated milk. As to skim milk. Proviso.

15. If milk is sold, or offered or exposed for sale, after any valuable constituent of the article has been abstracted therefrom, or if water has been added thereto, or if it is the product of a diseased animal or of an animal fed upon unwholesome food, it shall be deemed to have been adulterated in a manner injurious to health, and such sale, offer or exposure for sale, shall render the vendor liable to the penalty hereinafter provided in respect to the sale of adulterated food; except that skimmed milk may be sold as such if contained in cans bearing upon their exterior, within twelve inches of the tops of such vessels, the word "skimmed" in letters of not less than two inches in length, and served in measures also similarly marked; but any person supplying such skimmed milk, unless such quality of milk has been asked for by the purchaser, shall not be entitled to plead the provisions of this section as a defence to or in extenuation of any violation of this Act:

No water to be added, &c.

2. Nothing in this section shall be interpreted to permit or warrant the admixture of water with milk, or any other process than the removal of cream by skimming.

What shall be deemed adulterated vinegar.

16. Vinegar sold, or offered or exposed for sale, shall be deemed to be adulterated in a manner injurious to health if any mineral acid has been added thereto, or if it contains any soluble salt having copper or lead as a base thereof—whether such salt or mineral acid is added, either during the process of manufacture or subsequently.

And what adulterated liquors.

17. Alcoholic, fermented or other potable liquors sold, or offered or exposed for sale, shall be deemed to have been adulterated in a manner injurious to health if they are found to contain any of the articles mentioned in the schedule to this Act, or any article hereafter added to such schedule by the Governor in Council.

Certain articles may be exempted, &c., by O.C. Publication of O.C.

18. The Governor in Council may, from time to time, declare certain articles or preparations exempt in whole or in part from the provisions of this Act, and may add to the schedule to this Act any article or ingredient, the addition of which is by him deemed necessary in the public interest; and every Order in Council in that behalf shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days from the date of such publication.

List of exempted articles to be prepared and published. Limit of variability.

19. The Governor in Council shall, from time to time, cause to be prepared and published, lists of the articles, mixtures or compounds declared exempt from the provisions of this Act, in accordance with the next preceding section, and shall also, from time to time, fix the limits of variability permissible in any article of food or drug, or compound, the standard of which is not established by any such pharmacopœia or standard work, as is hereinbefore mentioned; and the orders fixing the same shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days after the publication thereof.

Detention of articles until sample is analyzed.

20. Whenever any article of food, any drug, or any agricultural fertilizer is reported by any analyst as being adulterated within the meaning of this Act, the Minister of Inland Revenue may, if he thinks fit, order such article, and all other articles of the same kind and quality which were in the same place at the time the article analyzed was obtained, to be seized by any officer of Customs or Inland Revenue, and detained by him until an analysis of samples of the whole is made by the chief analyst.

Confiscation of adulterated articles.

21. If the chief analyst reports to the Minister of Inland Revenue that the whole or any part of such articles are adulterated, the Minister may declare such articles, or so much thereof as the chief analyst reports as being adulterated, to be forfeited to the Crown; and such articles shall thereupon be disposed of as the Minister directs.

Penalties

Penalty for adulterating food or drug.

22. Every person who wilfully adulterates any article of food or any drug, or orders any other person so to do, shall,—

If injurious to health.

(a) If such adulteration is, within the meaning of this Act, deemed to be injurious to health, for the first offence incur a penalty not exceeding fifty dollars and not less than ten dollars, and costs, and for each subsequent offence, a penalty not exceeding two hundred dollars and not less than fifty dollars, and costs;

If not so injurious.

(b) If such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur a penalty not exceeding thirty dollars, and costs, and for each subsequent offence a penalty not exceeding one hundred dollars and not less than fifty dollars, and costs.

Penalty for selling adulterated article.

23. Every person who, by himself or his agent, sells, offers for sale, or exposes for sale, any article of food or any drug, which is adulterated within the meaning of this Act, shall,—

If injurious.

(a) If such adulteration is, within the meaning of this Act, deemed to be injurious to health, for a first offence incur a penalty not exceeding fifty dollars, and costs, and for each subsequent offence a penalty not exceeding two hundred dollars and not less than fifty dollars, and costs;

If not injurious.

(b) If such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur for each such offence a penalty not exceeding fifty dollars and not less than five dollars, and costs:

Proviso: as to knowledge of offender.

2. Provided, that if the person accused proves to the court before which the case is tried that he did not know of the article being adulterated, and shows that he could not, with reasonable diligence, have obtained that knowledge, he shall be subject only to the liability to forfeiture under the twenty-first section of this Act.

Penalty on compounder, &c., having certain articles in possession.

24. Every compounder, or dealer in, and every manufacturer of intoxicating liquors, who has in his possession or in any part of the premises occupied by him as such, any adulterated liquor, knowing it to be adulterated, or any deleterious ingredient specified in the schedule hereto, or added to such schedule by the Governor in Council, for the possession of which he is unable to account to the satisfaction of the court before which the case is tried, shall be deemed knowingly to have exposed for sale adulterated food, and shall incur for the first offence a penalty not exceeding one hundred dollars, and for each subsequent offence a penalty not exceeding four hundred dollars.

Penalty for wilfully attacking false label.

25. Every person who knowingly attaches to any article of food, or any drug, any label which falsely describes the article sold, or offered or exposed for sale, shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars, with costs.

Application of penalties.

26. Every penalty imposed and recovered under this Act shall, except as herein otherwise provided, and, except in the case of any suit, action or prosecution brought or instituted under the provisions of the next following section, be paid over to the Minister of Finance and Receiver General, and shall form part of the Consolidated Revenue Fund of Canada.

General Provisions

Any person may submit an article for analysis.

27. Nothing herein contained shall be held to preclude any person from submitting any sample of food, drug or agricultural fertilizer for analysis to any public analyst, or from prosecuting the vendor thereof, if such article is found to be adulterated, but the burden of proof of sale, and of the fact that the sample was not tampered with after purchase, shall be upon the person so submitting the same:

Duty of analyst in such case.

2. Any public analyst shall analyze such sample on payment of the fee prescribed in respect of such article or class of article by the Governor in Council.

As to expenses of analysis. How payable.

28. Any expenses incurred in analyzing any food, drug, or agricultural fertilizer, in pursuance of this Act, shall, if the person from whom the sample is taken is convicted of having in his possession, selling, offering or exposing for sale, adulterated food, drugs, or agricultural fertilizers, in violation of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly; and in all other cases such expenses shall be paid as part of the expenses of the officer, or by the person who procured the sample, as the case may be.

Regulations may be made.

29. The Governor in Council may, from time to time, make such regulations as to him seem necessary for carrying the provisions of this Act into effect.

Inland Revenue Act to apply.

30. The provisions of "*The Consolidated Inland Revenue Act, 1883*," whether enacted with special reference to any particular business or trade, or with general reference to the collection of the revenue, or the prevention, detection or punishment of fraud or neglect in relation thereto, shall extend, apply and be construed and shall have effect with reference to this Act, as if they had been enacted with special reference to the matters and things herein provided for:

Enforcement of penalties may be under the said Act.

2. Every penalty imposed under this Act may be enforced and dealt with as if imposed under the said Act, and every compounder, and the apparatus used by him, and the place in which his business is carried on, and the articles made or compounded by him, or used in compounding any such article, shall be "subject to excise" under the said Act.

Repeal of Act 47 V., c. 34. Effect of repeal. How this Act shall be construed.

31. The Act passed in the forty-seventh year of Her Majesty's reign, and chaptered thirty-four is hereby repealed, and this Act is substituted therefor: Provided always, that all Orders in Council and regulations made under the Act hereby repealed shall remain in force until revoked or altered by competent authority; and all things lawfully done and all rights acquired under the said Act, shall remain valid and may be enforced, and all offences committed or liabilities incurred under it, may be prosecuted, punished or enforced, and all proceedings and things lawfully commenced under it, may be continued and completed, under the said Act or under corresponding provisions of this Act—which shall not be construed as a new law, but as a continuation of the said repealed Act—subject to the amendments and new provisions hereby made and incorporated therewith.

Commencement of Act.

32. This Act shall come into force upon the first day of January, one thousand eight hundred and eighty-six.

SCHEDULE

Cocculus indicus, chloride of sodium (otherwise common salt), copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, tobacco, darnel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives, amyl alcohol, and any extract or compound of any of the above ingredients.

1886

CHAPTER 107

AN ACT respecting the Adulteration of Food, Drugs and Agricultural Fertilizers.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short Title

Short Title.

1. This Act may be cited as "*The Adulteration Act.*" 48-49 V., c. 67, s. 1.

Interpretation

Interpretation.

2. In this Act, unless the context otherwise requires,—

"Food."

(a) The expression "food" includes every article used for food or drink by man or by cattle;

"Drug."

(b) The expression "drug" includes all medicines for internal or external use for man or for cattle;

"Agricultural fertilizer."

(c) The expression "agricultural fertilizer" means and includes every substance imported, manufactured, prepared or disposed of for fertilizing or manuring purposes, which is sold at more than ten dollars per ton and which contains phosphoric acid, or ammonia or its equivalent of nitrogen;

"Officer."

(d) The expression "officer" means any officer of Inland Revenue, or any person authorized under this Act or "*The Fertilizers Act*" to procure samples of articles of food, drugs or agricultural fertilizers and to submit them for analysis;

Adulterated food; what shall be deemed such.

(e) Food shall be deemed to be "adulterated" within the meaning of this Act,—

(1) If any substance has been mixed with it, so as to reduce or lower or injuriously affect its quality or strength;

(2) If any inferior or cheaper substance has been substituted, wholly or in part, for the article;

(3) If any valuable constituent of the article has been wholly or in part abstracted;

(4) If it is an imitation of, or is sold under the name of, another article;

(5) If it consists wholly or in part of a diseased or decomposed, or putrid or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk or butter, if it is the produce of a diseased animal, or of an animal fed upon unwholesome food;

(6) If it contains any added poisonous ingredient, or any ingredient which may render such an article injurious to the health of a person consuming it;

Adulterated drugs; what shall be deemed such.

(f) Every drug shall be deemed to be "adulterated" within the meaning of this Act,—

(1) If, when sold, or offered or exposed for sale, under or by a name recognized in the British or United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein;

(2) If, when sold, or offered or exposed for sale, under or by a name not recognized in the British or United States Pharmacopœia, but which is found in some other generally recognized pharmacopœia or other standard work on *materia medica*, it differs from the standard of strength, quality or purity laid down in such work;

(3) If its strength or purity falls below the professed standard under which it is sold or offered or exposed for sale;

Exceptions.

(g) Provided, that the foregoing definitions as to the adulteration of food and drugs shall not apply,—

Addition of non-injurious matter.

(1) If any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drug, or to conceal the inferior quality thereof, if such articles are distinctly labelled as a mixture, in conspicuous characters, forming an inseparable part of the general label, which shall also bear the name and address of the manufacturer;

Patented articles.

(2) If the food or drug is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent;

Unavoidable mixture.

(3) If the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation;

Compounds of articles not injurious.

(4) If any article of food not injurious to the health of the person consuming the same are mixed together and sold or offered for sale as a compound, and if such articles are distinctly labelled as a mixture, in conspicuous characters, forming an inseparable part of the general label, which shall also bear the name and address of the manufacturer;

Agricultural fertilizers, when to be deemed adulterated.

(h) Every agricultural fertilizer shall be deemed to be "adulterated" within the meaning of this Act, if, when sold, offered or exposed for sale, the chemical analysis thereof shows a deficiency of more than one per cent. of any of the chemical substances, the percentages whereof are required to be specified in the certificate, by "The Fertilizers Act" required to be affixed to each barrel, box, sack or package containing the same, or (if the agricultural fertilizer is in bulk) to be produced to the inspector; or if it contains less than the minimum percentage of such substances required by the said Act to be contained in such fertilizer. 48-49 V., c. 67, s. 2.

Analysis

Analysts may be appointed. Chief analyst.

3. The Governor in Council may appoint one or more persons possessing competent medical, chemical and microscopical knowledge as analysts of food, drugs and agricultural fertilizers purchased, sold, or exposed or offered for sale within such territorial limits as are assigned to each of them respectively, and may also select from among the aforesaid analysts so appointed, or may appoint in addition thereto, a chief analyst, who shall be attached to the staff of the Department of Inland Revenue at Ottawa.

Analysts to be examined as to qualification.

2. No analyst shall be appointed until he has undergone an examination before a special examining board appointed by the Governor in Council, and until he has obtained from such board a certificate setting forth that he is duly qualified to perform the duties attached to the office of analyst. 48-49 V., c. 67, s. 3;—49 V., c. 41, s. 1.

Remuneration.

4. The Governor in Council may cause such remuneration to be paid to such chief analyst and to such analysts as he deems proper, and such remunera-

tion, whether by fees or salary, or partly in one way and partly in the other, may be paid to them out of any sums voted by Parliament for the purposes of this Act. 48-49 V., c. 67, s. 4.

Certain officers may obtain samples of articles.

5. The officers of Inland Revenue, the inspectors and deputy inspectors of weights and measures, and the inspectors and deputy inspectors acting under "*The General Inspection Act*," or any of them, shall, when required so to do by any regulation made in that behalf by the Minister of Inland Revenue, procure and submit samples of food, drugs or agricultural fertilizers suspected to be adulterated, to be analyzed by the analysts appointed under this Act. 48-49 V., c. 67, s. 5.

Inspectors of articles and their powers.

6. The council of any city, town, county or village may appoint one or more inspectors of food, drugs and agricultural fertilizers; and such inspectors shall, for the purposes of this Act, have all the powers by this Act vested in officers of Inland Revenue; and any such inspector may require any public analyst to analyze any samples of food, drugs or agricultural fertilizers collected by him, if such samples have been collected in accordance with the requirements of this Act:

Analysis.

2. The said analyst shall, upon tender of the fees fixed for the analysis of such class of articles by the Governor in Council, forthwith analyze the same, and give the inspector a certificate of such analysis:

Inspector may prosecute.

3. Such inspector may prosecute any person manufacturing, selling, or offering or exposing for sale within the city, county, town or village for which he is appointed inspector, any article of food, drug or agricultural fertilizer which has been certified by any public analyst to have been adulterated within the meaning of this Act:

Application of penalties.

4. Notwithstanding any other provision of this Act in respect of the disposition of penalties, all penalties imposed and recovered at the suit of any such inspector shall be paid into the revenue of the city, county, town or village by the council of which such inspector was appointed, and may be distributed in such manner as the council of such city, county, town or village by by-law directs. 48-49 V., c. 67, s. 6.

How samples may be obtained.

7. Any officer may procure samples of food, drugs or agricultural fertilizers which have not been declared exempt from the provisions of this Act, from any person who has such articles in his possession for the purpose of sale, or who sells or exposes the same for sale; and he may procure such samples either by purchasing the same or by requiring the person in whose possession they are to show him and allow him to inspect all such articles in his possession, and the place or places in which such articles are stored, and to give him samples of such articles, on payment or tender of the value of such samples. 48-49 V., c. 67, s. 7.

Penalty for refusing to deliver sample, &c.

8. If the person who has such articles in his possession, or his agent or servant, refuses or fails to admit the officer, or refuses or omits to show all or any of the said articles in his possession, or the place in which any such articles are stored, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he requires, when required so to do in pursuance of this Act, he shall be liable to the same penalty as if he knowingly sold or exposed for sale adulterated articles knowing them to be adulterated. 48-49 V., c. 67, s. 8.

Duty of officer on obtaining sample. Division of sample.

9. The officer purchasing any article with the intention of submitting the same to be analyzed, shall, after the purchase has been completed, forthwith notify the seller or his agent selling the article, of his intention to have the same analyzed by the public analyst, and shall, except in specific cases, respecting which provision is made by the Governor in Council, divide the article into three parts,—to be then and there separated, and each part to be marked and sealed up or fastened up, as its nature permits,—and shall deliver one of the parts to the seller or his agent, if required by him so to do:

Transmission of parts for analysis.

2. He shall transmit another of such parts to the Minister of Inland Revenue for submission to the chief analyst in case of appeal, and shall submit the remaining part to the analyst for the district within which the samples were taken, unless otherwise directed by the Minister of Inland Revenue. 48-49 V., c. 67, s. 9.

Seller may require seal to be affixed. Certificate in such case. When to be evidence.

10. The person from whom any sample is obtained under this Act may require the officer obtaining it, to annex to the vessel or package containing the part of the sample which he is hereby required to transmit to the Minister of Inland Revenue, the name and address of such person, and to secure, with a seal or seals belonging to him, the vessel or package containing such part of the sample, and the address annexed thereto, in such manner that the vessel or package cannot be opened, or the name and address taken off, without breaking such seals; and the certificate of the chief analyst shall state the name and address of the person from whom the said sample was obtained, that the vessel or package was not open, and that the seals, securing to the vessel or package the name and address of such person, were not broken until such time as he opened the vessel or package for the purpose of making his analysis; and in such case no certificate shall be receivable in evidence, unless there is contained therein such statement as above, or a statement to the like effect. 48-49 V., c. 67, s. 10.

Proceedings for analysis. Certificate if sample is adulterated. Effect of certificate as evidence.

11. When the officer has, by either of the means aforesaid, procured samples of the articles to be analyzed, he shall cause the same to be analyzed by one of the analysts appointed under this Act, and if it appears to the analyst that the sample is adulterated within the meaning of this Act, he shall certify such fact, stating in such certificate, in the case of an article of food or a drug, whether such adulteration is of a nature injurious to the health of the person consuming the same; and the certificate so given shall be received as evidence in any proceedings taken against any person in pursuance of this Act, subject to the right of any person against whom proceedings are taken to require the attendance of the analyst, for the purpose of cross-examination: 48-49 V., c. 67, s. 11.

Appeal to chief analyst. Proceedings in such case. Report of chief analyst final.

12. If the vendor of the article respecting which such certificate is given, deems himself aggrieved thereby, he may, within forty-eight hours of the receipt of the first notification of the intention of the officer or other purchaser to take proceedings against him (whether such notification is given by the purchaser or by the ordinary process of law), notify the said officer or purchaser in writing that he intends to appeal from the decision of the analyst to the judgment of the chief analyst: and in such case the officer or purchaser shall transmit such notification to the chief analyst, and the chief analyst shall, with all convenient speed, analyze the part of the sample transmitted to the Minister of Inland Revenue for that purpose, and shall report thereon to the said Minister; and the decision of such chief analyst shall be final, and his certificate thereof shall have the same effect as the certificate of the analyst in the next preceding section mentioned. 48-49 V., c. 67, s. 12.

Report for Parliament by analysts. To be printed.

13. Every analyst appointed under this Act shall report quarterly to the Minister of Inland Revenue the number of articles of food, drugs and agricultural fertilizers, analyzed by him under this Act during the preceding quarter, and shall specify the nature and kind of adulterations detected in such articles of food, drugs and agricultural fertilizers; and all such reports, or a synopsis of them, and the names of the vendors or persons from whom obtained, and of the manufacturers when known, shall be printed and laid before Parliament as an appendix to the annual report of the said Minister. 48-49 V., c. 67, s. 13.

Adulteration

No adulterated article to be sold.

14. No person shall manufacture, expose or offer for sale, or sell any food, drug or agricultural fertilizer, which is adulterated within the meaning of this Act. 48-49 V., c. 67, s. 14.

What shall be deemed adulterated milk. As to skimmed milk. Proviso.

15. If milk is sold, or offered or exposed for sale, after any valuable constituent of the article has been abstracted therefrom, or if water has been added thereto, or if it is the product of a diseased animal or of an animal fed upon unwholesome food, it shall be deemed to have been adulterated in a manner injurious to health, and such sale, offer or exposure for sale shall render the vendor liable to the penalty hereinafter provided in respect to the sale of adulterated food; except that skimmed milk may be sold as such if contained in cans bearing upon their exterior, within twelve inches of the tops of such vessels, the word "skimmed" in letters of not less than two inches in length, and served in measures also similarly marked; but any person supplying such skimmed milk, unless such quality of milk has been asked for by the purchaser, shall not be entitled to plead the provisions of this section as a defence to or in extenuation of any violation of this Act:

No water to be added, &c.

2. Nothing in this section shall be interpreted to permit or warrant the admixture of water with milk, or any other process than the removal of cream by skimming. 48-49 V., c. 67, s. 15.

What shall be deemed adulterated vinegar.

16. Vinegar sold, or offered or exposed for sale, shall be deemed to be adulterated in a manner injurious to health if any mineral acid has been added thereto, or if it contains any soluble salt having copper or lead as a base thereof—whether such mineral acid or salt is added, either during the process of manufacture or subsequently. 48-49 V., c. 67, s. 16.

And what adulterated liquors.

17. Alcoholic, fermented or other potable liquors sold, or offered or exposed for sale, shall be deemed to have been adulterated in a manner injurious to health if they are found to contain any of the articles mentioned in the schedule to this Act, or any article hereafter added to such schedule by the Governor in Council. 48-49 V., c. 67, s. 17.

Certain articles may be exempted, &c., by O. C. Publication of O. C.

18. The Governor in Council may, from time to time, declare certain articles or preparations exempt in whole or in part from the provisions of this Act, and may add to the schedule to this Act any article or ingredient, the addition of which is by him deemed necessary in the public interest; and every Order in Council in that behalf shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days from the date of such publication. 48-49 V., c. 67, s. 18.

Lists of exempted articles to be prepared and published. Limit of variability.

19. The Governor in Council shall, from time to time, cause to be prepared and published, lists of the articles, mixtures or compounds declared exempt from the provisions of this Act, in accordance with the next preceding

section, and shall also, from time to time, fix the limits of variability permissible in any article of food or drug, or compound, the standard of which is not established by any such pharmacopœia or standard work, as is hereinbefore mentioned; and the Orders in Council fixing the same shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days after the publication thereof. 48-49 V., c. 67, s. 19.

Detention of articles until sample is analyzed.

20. Whenever any article of food, any drug, or any agricultural fertilizer is reported by any analyst as being adulterated within the meaning of this Act, the Minister of Inland Revenue may, if he thinks fit, order such article, and all other articles of the same kind and quality which were in the same place at the time the article analyzed was obtained, to be seized by any officer of Customs or Inland Revenue, and detained by him until an analysis of samples of the whole is made by the chief analyst. 48-49 V., c. 67, s. 20.

Confiscation of adulterated articles.

21. If the chief analyst reports to the Minister of Inland Revenue that the whole or any part of such articles are adulterated, the Minister may declare such articles, or so much thereof as the chief analyst reports as being adulterated, to be forfeited to the Crown; and such articles shall thereupon be disposed of as the Minister directs. 48-49 V., c. 67, s. 21.

Penalties

Penalty for adulterating food or drug.

22. Every person who wilfully adulterates any article of food or any drug, or orders any other person so to do, shall,—

If injurious to health.

(a) If such adulteration is, within the meaning of this Act, deemed to be injurious to health, for the first offence incur a penalty not exceeding fifty dollars and not less than ten dollars, and costs, and for each subsequent offence, a penalty not exceeding two hundred dollars and not less than fifty dollars, and costs;

If not injurious.

(b) If such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur a penalty not exceeding thirty dollars, and costs, and for each subsequent offence a penalty not exceeding one hundred dollars and not less than fifty dollars, and costs. 48-49 V., c. 67, s. 22.

Penalty for selling adulterated article.

23. Every person who, by himself or his agent, sells, offers for sale, or exposes for sale, any article of food or any drug, which is adulterated within the meaning of this Act, shall,—

If injurious.

(a) If such adulteration is, within the meaning of this Act, deemed to be injurious to health, for a first offence incur a penalty not exceeding fifty dollars, and costs, and for each subsequent offence a penalty not exceeding two hundred dollars and not less than fifty dollars, and costs:

If not injurious.

(b) If such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur for each such offence, a penalty not exceeding fifty dollars and not less than five dollars, and costs:

Proviso: as to knowledge of offender.

2. Provided, that if the person accused proves to the court before which the case is tried that he did not know of the article being adulterated, and shows that he could not, with reasonable diligence, have obtained that knowledge, he shall be subject only to the liability for forfeiture under the twenty-first section of this Act. 48-49 V., c. 67, s. 23.

Penalty on compounder, &c., having certain articles in his possession.

24. Every compounder or dealer in, and every manufacturer of intoxicating liquors, who has in his possession or in any part of the premises occupied by him as such, any adulterated liquor, knowing it to be adulterated, or any deleterious ingredient specified in the schedule hereto, or added to such schedule by the Governor in Council, for the possession of which he is unable to account to the satisfaction of the court before which the case is tried, shall be deemed knowingly to have exposed for sale adulterated food, and shall incur for the first offence a penalty not exceeding one hundred dollars, and for each subsequent offence a penalty not exceeding four hundred dollars. 48-49 V., c. 67, s. 24.

Penalty for wilfully attaching false label.

25. Every person who knowingly attaches to any article of food, or any drug, any label which falsely describes the article sold, or offered or exposed for sale, shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars, and costs. 48-49 V., c. 67, s. 25.

Application of penalties.

26. Every penalty imposed and recovered under this Act shall, except as herein otherwise provided, and except in the case of any suit, action or prosecution brought or instituted under the provisions of the next following section, be paid over to the Minister of Finance and Receiver General, and shall form part of the Consolidated Revenue Fund. 48-49 V., c. 67, s. 26.

General Provisions

Any person may submit an article for analysis.

27. Nothing herein contained shall be held to preclude any person from submitting any sample of food, drug or agricultural fertilizer for analysis to any public analyst, or from prosecuting the vendor thereof, if such article is found to be adulterated, but the burden of proof of sale, and of the fact that the sample was not tampered with after purchase, shall be upon the person so submitting the same:

Duty of analyst in such case.

2. Any public analyst shall analyze such sample on payment of the fee prescribed in respect of such article or class of article by the Governor in Council. 48-49 V., c. 67, s. 27.

As to expenses of analysis. How payable.

28. Any expenses incurred in analyzing any food, drug or agricultural fertilizer, in pursuance of this Act, shall, if the person from whom the sample is taken is convicted of having in his possession, selling, offering or exposing for sale, adulterated food, drugs or agricultural fertilizers, in violation of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly; and in all other cases such expenses shall be paid as part of the expenses of the officer, or by the person who procured the sample, as the case may be. 48-49 V., c. 67, s. 28.

Regulations may be made.

29. The Governor in Council may, from time to time, make such regulations as to him seem necessary for carrying the provisions of this Act into effect. 48-49 V., c. 67, s. 29.

Inland Revenue Act to apply.

30. The provisions of "The Inland Revenue Act," whether enacted with special reference to any particular business or trade, or with general reference to the collection of the revenue, or the prevention, detection or punishment of fraud or neglect in relation thereto, shall extend, apply and be construed and shall have effect with reference to this Act, as if they had been enacted with special reference to the matters and things herein provided for:

Enforcement of penalties may be under the said Act.

2. Every penalty imposed under this Act may be enforced and dealt with as if imposed under the said Act, and every compounder, and the apparatus used by him, and the place in which his business is carried on, and the articles made or compounded by him, or used in compounding any such article, shall be "subject to excise" under the said Act. 48-49 V., c. 67, s. 30.

SCHEDULE

Cocculus indicus, chloride of sodium (otherwise common salt), copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, tobacco, darnel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives, amyl alcohol, and any extract or compound of any of the above ingredients.

1886

CHAPTER 41

AN ACT to amend "The Adulteration Act."

[Assented to 2nd June, 1886.]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 3 of 48-49 V., c. 67, amended.

1. The following is hereby added to section three of "*The Adulteration Act*" as sub-section two thereof:—

Qualification of analyst.

"2. No analyst shall be appointed until he has undergone an examination before a special examining board appointed by the Governor in Council, and until he has obtained from such board a certificate setting forth that he is duly qualified to perform the duties attached to the office of analyst."

1888

CHAPTER 24

AN ACT to amend "The Adulteration Act," chapter one hundred and seven of the Revised Statutes of Canada.

[Assented to 4th May, 1888.]

Preamble, R.S.C., c. 107.

In amendment of "*The Adulteration Act*," HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 2 amended.

1. The paragraph of section two of the said Act lettered (a) is hereby repealed and the following substituted in lieu thereof:—

Interpretation. "Food."

"(a) The expression "food" includes every article used for food or drink by man or cattle, and every ingredient intended for mixing with the food or drink of man or cattle for any purpose whatsoever."

2. The said section two is hereby further amended by adding the following at the end thereof:—

"Analyst."

"(i) The expression "analyst" includes any member of the examining board appointed under the authority of paragraph two of section three of this Act, and any assistant analyst to the chief analyst at Ottawa."

Section 5 amended.

2. Section five of the said Act is hereby amended by adding the following sub-section thereto:—

Civil Service Act not to apply.

"2. The prohibition contained in the first sub-section of section fifty-one of *"The Civil Service Act,"* shall not extend to officers rendering service under this section."

Section 9 amended.

3. Section nine of the said Act is hereby amended by adding the following at the end thereof as sub-section three:—

Special analysis in certain cases. Effect of certificate.

"3. The Minister of Inland Revenue, or the Commissioner of Inland Revenue, or any person duly authorized in that behalf, may, however, cause the part intended to be analyzed, as in the next preceding sub-section mentioned, to be submitted to the chief analyst, or to any other of the analysts appointed under this Act, who is deemed by him to have special skill and experience in the examination of particular substances, and such analyst shall report to the Minister of Inland Revenue; and in every such case the certificate of the analyst employed under this sub-section shall have the like force and effect as the certificate of the analyst hereinafter mentioned."

Section 10 amended.

4. Section ten of the said Act is hereby amended by inserting after the words "certificate of the chief analyst," in the tenth and eleventh lines, the words "or of his assistant analyst."

1890

CHAPTER 26

AN ACT further to amend the Adulteration Act, chapter one hundred and seven of the Revised Statutes. [Assented to 24th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 2 repealed; new section.

1. Section two of *"The Adulteration Act,"* as amended by section one of the Act passed in the fifty-first year of Her Majesty's reign and chaptered twenty-four, is hereby repealed and the following substituted in lieu thereof:—

Interpretation.

"2. In this Act, unless the context otherwise requires,—

"Food."

(a) The expression "food" includes every article used for food or drink by man or cattle, and every ingredient intended for mixing with the food or drink of man or cattle for any purposes whatsoever;

"Drug."

(b) The expression "drug" includes all medicines for internal or external use for man or for cattle;

"Agricultural fertilizer."

(c) The expression "agricultural fertilizer" means and includes every substance imported, manufactured, prepared or disposed of for fertilizing or manuring purposes, which is sold at more than ten dollars per ton and which contains phosphoric acid, nitrogen, ammonia or nitric acid;

"Officer."

(d) The expression "officer" means any officer of Inland Revenue, or any person authorized under this Act or *"The Fertilizers Act"* to procure samples of articles of food, drugs or agricultural fertilizers and to submit them for analysis;

Adulterated food; what shall be deemed such.

(e) Food shall be deemed to be "adulterated" within the meaning of this Act,—

(1) If any substance has been mixed with it, so as to reduce or lower or injuriously affect its quality or strength;

(2) If any inferior or cheaper substance has been substituted, wholly or in part, for the article;

(3) If any valuable constituent of the article has been wholly or in part abstracted;

(4) If it is an imitation of, or is sold under the name of, another article;

(5) If it consists wholly or in part of a diseased or decomposed, or putrid or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk or butter, if it is the produce of a diseased animal, or of an animal fed upon unwholesome food;

(6) If it contains any added poisonous ingredient, or any ingredient which may render such an article injurious to the health of a person consuming it;

(7) If its strength or purity falls below the standard, or its constituents are present in quantity not within the limits of variability, fixed by the Governor in Council as hereinafter provided;

Adulterated drugs; what shall be deemed such.

(f) Every drug shall be deemed to be "adulterated" within the meaning of this Act,—

(1) If, when sold, or offered or exposed for sale, under or by a name recognized in the British or United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein;

(2) If, when sold, or offered or exposed for sale, under or by a name not recognized in the British or United States Pharmacopœia, but which is found in some other generally recognized pharmacopœia or other standard work on *materia medica*, it differs from the standard of strength, quality or purity laid down in such work;

(3) If its strength or purity falls below the professed standard under which it is sold or offered or exposed for sale;

Exceptions.

(g) Provided, that the foregoing definitions as to the adulteration of food and drugs shall not apply,—

Addition of non-injurious matter.

(1) If any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drug, or to conceal the inferior quality thereof, if such articles are distinctly labelled as a mixture, in conspicuous characters, forming an inseparable part of the general label, which shall also bear the name and address of the manufacturer;

Patented articles.

(2) If the food or drug is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent;

Unavoidable mixture.

(3) If the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation;

Compounds of articles not injurious.

(4) If any articles of food not injurious to the health of the person consuming the same are mixed together and sold or offered for sale as a compound, and if such articles are distinctly labelled as a mixture, in conspicuous characters, forming an inseparable part of the general label, which shall also bear the name and address of the manufacturer;

Agricultural fertilizers; when to be deemed adulterated.

(h) Every agricultural fertilizer shall be deemed to be "adulterated" within the meaning of this Act, if, when sold, offered or exposed for sale, the chemical analysis thereof shows a deficiency of more than one per cent of any of the chemical substances, the percentages whereof are required to be specified in the certificate, by "*The Fertilizers Act*" required to be affixed to each barrel, box, sack or package containing the same, or (if the agricultural fertilizer is in bulk) to be produced to the inspector; or if it contains less than the minimum percentage of such substances required by the said Act to be contained in such fertilizer;

"Analyst."

(i) The expression "analyst" includes any member of the examining board appointed under the authority of sub-section two of section three of this Act, and any assistant analyst to the chief analyst at Ottawa.

Section 3 amended.

2. Section three of "*The Adulteration Act*," is hereby amended by adding the following sub-section thereto:—

Food examiners may be appointed.

"3. The Governor in Council may, on the nomination of the council of any city, town, county or township, or other municipality, appoint "food examiners" for such municipality, to examine such articles of food as are determined by the Governor in Council; but such appointment shall not be made unless and until the person so nominated has undergone an examination before the examining board hereinabove mentioned, and has obtained from such board a certificate setting forth that he is competent and duly qualified to examine and certify as to the nature and purity of the articles of food for the examination of which he is to be appointed,—in which case his certificate of analysis with regard to such articles shall have like force and effect as those of the official analyst appointed under this Act."

Section 11 amended.

3. Section eleven of the said Act is hereby amended by adding the following sub-sections thereto:—

Cost of procuring and analyzing sample.

"2. Should any sample on examination be found by the analyst to be adulterated within the meaning of this Act, and be so reported to the Minister of Inland Revenue, the said Minister may, at his discretion, cause the result of the analysis to be communicated to the vendor, and require him to pay, at the rate specified in the second schedule to this Act, the cost of procuring and analyzing the said sample:

If vendor refuses to pay costs.

"3. Should the said vendor refuse or neglect so to do, the Minister may then cause legal proceedings to be taken against him, as hereinafter provided."

Section 12 repealed; new section.

4. Section twelve of the said Act is hereby repealed and the following substituted in lieu thereof:—

Appeal to chief analyst. Proceedings in such case. Report of chief analyst final.

"12. If the vendor of the article respecting which the certificate referred to in the next preceding section is given, deems himself aggrieved thereby, he may, within forty-eight hours of the receipt of the first notification of the intention of the officer or other purchaser to take proceedings against him (whether such notification is given by the purchaser or by the ordinary process of law), notify the said officer or purchaser in writing that he intends to appeal from the decision of the analyst to the judgment of the chief analyst; and in such case the officer or purchaser shall transmit such notification to the chief analyst, and the chief analyst shall, with all convenient speed, analyze the part of the sample transmitted to the Minister of Inland Revenue for that purpose, and shall report thereon to the said Minister; and the decision of such chief analyst shall be final, and his certificate thereof shall have the same effect as the certificate of the analyst in the next preceding section mentioned."

Section 13 repealed; new section.

5. Section thirteen of the said Act is hereby repealed and the following substituted in lieu thereof:— . . .

Report for Parliament by analysts.

"13. Every analyst appointed under this Act shall report quarterly to the Minister of Inland Revenue the number of articles of food, drugs and agricultural fertilizers analyzed by him under this Act during the preceding quarter, and shall specify the nature and kind of adulterations detected in such articles of food, drugs and agricultural fertilizers; and all such reports, or a synopsis of them, and the names of the vendors or persons from whom obtained, and of the manufacturers when known, shall be printed and published for the information of the public at such times and in such manner as the said Minister directs, and shall also be laid before Parliament as an appendix to the annual report of the said Minister."

Section 17 amended.

6. Section seventeen of the said Act is hereby amended by inserting, before the word "schedule," in the fifth line, the word "first."

Section 18 amended.

7. Section eighteen of the said Act is hereby amended by inserting, before the word "schedule," in the fourth line, the word "first."

Section 19 repealed; new section.

8. Section nineteen of the said Act is hereby repealed and the following substituted in lieu thereof:—

Lists of exempted articles to be published. Standard of quality, and limits of variability.

"19. The Governor in Council shall, from time to time, cause to be prepared and published, lists of the articles, mixtures or compounds declared exempt from the provisions of this Act, in accordance with the next preceding section, and shall also, from time to time, establish a standard of quality for, and fix the limits of variability permissible in any article of food or drug or compound, the standard of which is not established by any such pharmacopœia or standard work as is hereinbefore mentioned; and the Orders in Council fixing the same shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days after the publication thereof."

Section 23 amended.

9. Sub-section two of section twenty-three of the said Act is hereby repealed and the following substituted in lieu thereof:—

Proviso: as to knowledge of accused.

"2. Provided, that if the person accused proves to the court before which the case is tried that he had purchased the article in question as the same in nature, substance and quality as that demanded of him by the purchaser or inspector, and with a written warranty to that effect,—which warranty is produced at the trial of the case, that he sold it in the same state as when he purchased it, and that he could not with reasonable diligence have obtained knowledge of its adulteration, he shall be discharged from the prosecution, and shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence, in which case he shall be liable only to the forfeiture provided by section twenty-one of this Act."

Section 24 amended.

10. Section twenty-four of the said Act is hereby amended by inserting, before the word "schedule," in the fifth line, the word "first."

Section 28 repealed; new section.

11. Section twenty-eight of the said Act is hereby repealed and the following substituted in lieu thereof:—

As to expenses of analysis, &c.

"28. Any expenses incurred in procuring and analyzing any food, drug or agricultural fertilizer, in pursuance of this Act, shall, if the person from whom the sample is taken is convicted of having in his possession, selling, offering or exposing for sale, adulterated food, drugs or agricultural fertilizers, in violation of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly; and in all other cases such expenses shall be paid as part of the expenses of the officer, or by the person who procured the sample, as the case may be."

Schedule repealed; new schedules.

12. The schedule to the said Act is hereby repealed and the following substituted therefor:—

"FIRST SCHEDULE

Cocculus indicus, chloride of sodium (otherwise common salt), copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, tobacco, darnel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives, amyl alcohol, and any extract or compound of any of the above ingredients.

SECOND SCHEDULE

Milk	\$ 8.00
Bread, sweets and any other articles not mentioned in this schedule, each	9.00
Butter, cheese, malt liquors, cider, wines, alcoholic liquors, tinctures, liqueurs, condiments, spices, drugs, oils, fats, proprietary medicines, infants' and invalids' foods, condensed milk and fertilizers, each	12.00
Tea, coffee, tobacco, cocoa, chocolate, opium, pharmaceutical liquors, fluid extracts, dispensed medicines and waters, each	14.00"

1894

CHAPTER 37

AN ACT in restraint of Fraudulent Sale or Marking.

[Assented to 23rd July, 1894.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Articles in schedule A.

1. No person shall mark, brand or label any article or any package containing any article mentioned in the first column of schedule A to this Act, with the word "pure," "genuine," or any word equivalent thereto, or sell, or offer or expose for sale, any such article or package so marked, branded, stamped or labelled, unless such article or the contents of such package are pure within the meaning of the second column of the said schedule.

Articles in schedule B.

2. No person shall sell, or offer or expose for sale, any article or any substance for domestic use under the name or designation contained in the first column of schedule B to this Act, unless such article or substance is free from adulteration or admixture of foreign matter and unless it possesses the composition and distinguishing characteristics stated in the second column of the said schedule.

Penalty for fraudulent marking, etc.

3. Every person who violates any of the provisions of section one or section two of this Act shall, for every violation, be liable to a penalty not exceeding one hundred dollars, a moiety of which penalty shall belong to the prosecutor, and the other moiety to the Crown.

Recovery of penalty.

2. The penalty hereby imposed may be recovered and enforced in the manner provided by *The Inland Revenue Act* with respect to penalties incurred under it, and as if imposed by it.

Special provision as to vinegar.

3. The penalty hereby imposed shall not apply as respects the second article mentioned in schedule B until the first day of October in the present year, one thousand eight hundred and ninety-four.

Alterations in schedules by Governor in Council.

4. The Governor in Council may add any articles to the schedules to this Act, and determine the standard of purity therefor, and may remove any articles from the said schedules; and the Order in Council in that behalf shall be published in four successive issues of the *Canada Gazette*, after which it shall have like effect as if such articles had been included in the said original schedules.

Limitation.

2. Any Order in Council made under the provisions of this section shall have effect only until the end of the next succeeding session of Parliament.

Obtaining of samples. R.S.C., c. 107.

5. The Minister of Inland Revenue may order any officer of inland revenue or customs to obtain samples of any of the articles or substances mentioned in the said schedules; but in such case the manner of obtaining such samples shall be that prescribed with respect to the obtaining of samples under the *Act respecting the Adulteration of Food, Drugs and Agricultural Fertilizers*, and the provisions of sections six to thirteen of the said Act, both inclusive, shall, so far as they are applicable and are not inconsistent with this Act, be held to have force and effect in relation to such articles as though such articles were articles of food within the meaning of the said Act.

Repeal of 1891, c. 32.

6. Chapter thirty-two of the Statutes of 1891, intituled *An Act in restraint of Fraudulent Marking*, is hereby repealed.

SCHEDULE A.

1	2
Dry white lead...	Basic carbonate of lead prepared by corrosion of metallic lead.
White lead in oil...	Dry white lead ground in pure linseed oil in the proportion of 90 to 92 per cent of the former to 8 to 10 per cent of the latter.

SCHEDULE B.

1	2
Paris green	An insecticide containing at least fifty per cent of arsenious acid and at least thirty per cent of cupric oxide and being completely soluble in aqueous ammonia.
Vinegar	A more or less coloured liquid, consisting essentially of impure dilute acetic acid obtained by the oxidation of wine, beer, cider or other alcoholic liquid.

1896

CHAPTER 12

AN ACT further to amend the Act respecting the Adulteration of Food, Drugs and Agricultural Fertilizers. [Assented to 23rd April, 1896.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S.C., c. 107 amended.

1. *The Adulteration Act*, chapter one hundred and seven of the Revised Statutes, is hereby amended by adding the following section thereto immediately after section twenty-one:—

As to honey.

“21a. The feeding to bees of sugar, glucose or any other sweet substance other than such as bees gather from natural sources with the intent that such substance shall be used by bees in the making of honey, or the exposing of any such substance with the said intent, shall be and be deemed a wilful adulteration of honey within the meaning of this Act; and no honey made by bees in whole or in part from any of such substances, and no imitation of honey, or sugar honey, so called, or other substitute for honey shall be manufactured or produced for sale, or sold or offered for sale in Canada: Provided that this section shall not be interpreted or construed to prevent the giving of sugar in any form to bees, to be consumed by them as food.”

1898

CHAPTER 24

AN ACT further to amend the Adulteration Act. [Assented to 13th June, 1898.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S.C., c. 107, s. 2 amended.

1. The section substituted, by section 1 of chapter 26 of the statutes of 1890, for section 2 of *The Adulteration Act*, chapter 107 of the Revised Statutes, is hereby amended by adding the following sub-paragraph to paragraph (e) thereof:—

“(8) If it is so coloured or coated or polished or powdered that damage is concealed, or if it is made to appear better or of greater value than it really is;”

S. 2 further amended.

2. The said section is hereby further amended by repealing sub-paragraph (1) of paragraph (g) thereof, and substituting the following therefor:—

Addition of non-injurious matter.

“(1) If any matter or ingredient not injurious to health has been added to the food or drug because it is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drug, or to conceal the inferior quality thereof, if each package, roll, parcel or vessel containing every such article manufactured, sold or exposed for sale is distinctly labelled as a mixture, in conspicuous characters forming an inseparable part of the general label, which shall also bear the name and address of the manufacturer.”

S. 2 further amended.

3. The said section is hereby further amended by repealing sub-paragraph (4) of paragraph (g) thereof, and substituting the following therefor:—

Compounds of non-injurious articles.

“(4) If any articles of food not injurious to the health of the person consuming them are mixed together and sold or offered for sale as a compound, and if each package, roll, parcel or vessel containing such articles is distinctly labelled as a mixture, in conspicuous characters forming an inseparable part of the general label, which shall also bear the name and address of the manufacturer.”

New s. 22.

4. Section 22 of *The Adulteration Act* is hereby repealed and the following is substituted therefor:—

Penalty for adulteration of food or drug.

“22. Every person who wilfully adulterates any article of food or any drug, or orders any other person so to do, shall,—

If injurious to health.

“(a) if such adulteration is, within the meaning of this Act, deemed to be injurious to health, for the first offence, incur a penalty not exceeding five hundred dollars and costs, or six months' imprisonment, or both, and not less than fifty dollars and costs, and for each subsequent offence a penalty not exceeding one thousand dollars and costs, or one year's imprisonment, or both, and not less than one hundred dollars and costs;

If not injurious.

“(b) if such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur a penalty not exceeding two hundred dollars and costs, or three months' imprisonment, and for each subsequent offence a penalty not exceeding five hundred dollars and costs, or six months' imprisonment, or both, and not less than one hundred dollars and costs.”

New s. 23.

5. Section 23 of the said Act, as amended by section 9 of chapter 26 of the statutes of 1890, is hereby repealed and the following is substituted therefor:—

Penalty for selling adulterated article.

"23. Every person who, by himself or his agent, sells, offers for sale, or exposes for sale, any article of food or any drug, which is adulterated within the meaning of this Act, shall,—

If injurious.

"(a) if such adulteration is, within the meaning of this Act, deemed to be injurious to health, for a first offence incur a penalty not exceeding two hundred dollars and costs, or three months' imprisonment, or both, and for each subsequent offence a penalty not exceeding five hundred dollars and costs, or six months' imprisonment, or both, and not less than fifty dollars and costs;

If not injurious.

"(b) if such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur for each such offence a penalty not exceeding one hundred dollars and costs, and not less than five dollars and costs.

Proviso: as to knowledge of offender.

"2. Provided that if the person accused proves to the court before which the case is tried that he had purchased the article in question as the same in nature, substance and quality as that demanded of him by the purchaser or inspector, and with a written warranty to that effect,—which warranty, in the form in the third schedule to this Act, is produced at the trial of the case,—and that he sold it in the same state as when he purchased it, and that he could not with reasonable diligence have obtained knowledge of its adulteration, he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence, and has called the party from whom he purchased the said article into the case, as provided for by the next following subsection of this section, in which case he shall be liable only to the forfeiture provided by section 21 of this Act.

Summons to person from whom he purchased.

"3. The person presenting the defence referred to in the next preceding subsection shall, upon his sworn declaration that he purchased the article in good faith, and as provided for in the said subsection, obtain a summons to call such third party into the case; and the court shall at the same time hear all the parties, and decide upon the entire merits of the case, not only as regards the person originally accused, but also as regards the third party so brought into the case."

New s. 27.

6. Section 27 of the said Act is hereby repealed and the following is substituted therefor:—

Duty of analyst.

"27. It shall be the duty of any officer entrusted with the enforcement of this Act, when he is required thereto by any person, to purchase from the vendor of any article sold or exposed for sale a sample thereof and submit it for analysis in accordance with the provision of this Act, provided the person so requiring such purchase and analysis deposits with such officer at the time such a demand is made, a sum of money sufficient to pay for such sample and analysis.

Prosecution of vendor of adulterated article.

"2. If, upon analysis, such article is found to be adulterated within the meaning of this Act, the person at whose instance the analysis is made, may prosecute the vendor of the article, or may require such officer to prosecute the vendor upon making a deposit of twenty-five dollars with the collector of Inland

Revenue, as security for the costs of such prosecution, and every person so prosecuting shall be entitled to a moiety of the penalty imposed, upon conviction of the person accused.

Prosecution by department.

"3. Nothing herein contained shall be held to preclude such officer, or the Department of Inland Revenue, from prosecuting the vendor of such article so adulterated: Provided that a second prosecution shall not be instituted for the same offence."

Sections added.

7. The said Act is hereby further amended by inserting the following sections immediately after section 27:—

Employment of public analyst.

"27A. Nothing herein contained shall be held to preclude any person from submitting any sample of food, drug, or agricultural fertilizer for analysis to any public analyst, or from prosecuting the vendor thereof, if it is found to be adulterated within the meaning of this Act.

His fee.

"2. Any public analyst shall analyse such sample on payment of the fee prescribed with respect to such article or class of articles by the Governor in Council."

Division into three parts of article to be analysed.

"27B. The person purchasing any article with the intention of submitting it to analysis shall, after the purchase is completed, forthwith notify to the seller or his agent selling the article his intention to have it analysed by the public analyst, and shall offer to divide the article into three parts to be then and there separated, each part to be marked and sealed or fastened up in such manner as its nature will permit of, and shall, if required to do so, proceed accordingly, and he shall deliver one of the parts to the seller or his agent, retain one of the parts for future comparison, and submit the third part to the analyst, if he deems it right to have the article analysed."

Division by analyst.

"27C. If the seller or his agent does not accept the offer of the purchaser to divide in his presence the article purchased, the analyst receiving the article for analysis shall divide it into two parts, and shall seal or fasten one of those parts, and shall cause it to be delivered, either upon receipt of the sample or when he supplies his certificate, to the purchaser, who shall retain such part for production in case proceedings are afterwards taken in the matter."

Section 28 amended.

8. The section substituted for section 28 of the said Act by section 11 of chapter 26 of the statutes of 1890 is hereby amended by adding thereto the following subsection:—

Costs of prosecution.

"2. Such expenses of prosecution shall also include a reasonable counsel fee, in the discretion of the judge; and in the case of a private prosecutor, if the prosecution is dismissed as being instituted without reasonable and probable cause, the costs of defence shall be taxed against such prosecutor."

Section added.

9. The said Act is hereby further amended by adding at the end thereof the following section:—

Other remedies not affected.

"31. Nothing in this Act contained shall affect the power of proceeding by indictment or take away any other remedy against any offender under this Act."

Schedule amended. Schedule added.

10. The said Act, as amended by chapter 26 of the statutes of 1890, is hereby further amended by inserting in the first schedule thereto, after the words "picric acid," the words "salicylic acid," and by adding the following schedule thereto:—

"THIRD SCHEDULE

"Form of Warranty

"I hereby warrant that the undermentioned articles manufactured by myself or by persons known to me and sold by me to _____ on the dates opposite thereto, are pure and unadulterated within the meaning of the Adulteration Act.

"Date.	Article.

"(Signature of manufacturer or vendor.)"

1899

CHAPTER 26

AN ACT further to amend the Adulteration Act.

[Assented to 10th July, 1899.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S.C., c. 107, s. 2 amended.

1. The paragraph lettered (f) of the section substituted for section 2 of *The Adulteration Act*, by section 1 of chapter 26 of the statutes of 1890, is hereby repealed, and the following substituted in lieu thereof:—

Adulterated drugs; what shall be deemed.

"(f) Every drug shall be deemed to be 'adulterated' within the meaning of this Act,—

"(i) if, when sold or offered or exposed for sale under or by a name recognized in the edition of 1898 of the British Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein;

"(ii) if, when sold or offered or exposed for sale under or by a name recognized in any foreign pharmacopœia, such as *Le Codex Medicamentarius* in France or the Pharmacopœia of the United States, and having the name of such pharmacopœia, plainly labelled, upon the article, it differs from the standard of strength, quality or purity laid down therein;

"(iii) if, when sold, or offered or exposed for sale, under or by a name which is not recognized in any pharmacopœia, but which is found in some generally recognized standard work on *materia medica* or chemistry, it differs from the standard of strength, quality or purity laid down therein;

"(iv) if its strength, quality or purity falls below or differs from the professed standard under which it is sold or offered for sale."

1906

CHAPTER 133

AN ACT respecting the Adulteration of Food and other Articles.

Short Title

Short title.

1. This Act may be cited as the Adulteration Act. R.S., c. 107, s. 1.

Interpretation

Definitions.

2. In this Act, unless the context otherwise requires,—

'Minister.'

- (a) 'Minister' means the Minister of Inland Revenue;

'Food.'

- (b) 'food' includes every article used for food or drink by man or cattle, and every ingredient intended for mixing with the food or drink of man or cattle for any purpose whatsoever;

'Drug.'

- (c) 'drug' includes all medicines for internal or external use for man or for cattle;

'Agricultural fertilizer.'

- (d) 'agricultural fertilizer' means and includes every substance imported, manufactured, prepared or disposed of for fertilizing or manuring purposes, which is sold at more than ten dollars per ton and which contains phosphoric acid, nitrogen, ammonia or nitric acid;

'Officer.'

- (e) 'officer' means any officer of Inland Revenue or any person authorized under this Act or the Fertilizers Act to procure samples of food, drugs, agricultural fertilizers or other articles and to submit them for analysis;

'Analyst.'

- (f) 'analyst' includes any member of the examining board appointed under the authority of this Act and any assistant analyst to the chief analyst at Ottawa. 53 V., c. 26, s. 1.

Adulterated food.

3. Food shall be deemed to be adulterated within the meaning of this Act,—
 - (a) if any substance has been mixed with it so as to reduce or lower or injuriously affect its quality or strength;
 - (b) if any inferior or cheaper substance has been substituted wholly or in part for the article;
 - (c) if any valuable constituent of the article has been wholly or in part abstracted;
 - (d) if it is an imitation of or is sold under the name of another article;
 - (e) if it consists wholly or in part of a diseased or decomposed or putrid or rotten animal or vegetable substance, whether manufactured or not;
 - (f) if it contains any added poisonous ingredient or any ingredient which may render such an article injurious to the health of persons or cattle consuming it;
 - (g) if its strength or purity falls below the standard, or its constituents are present in quantity not within the limits of variability fixed by the Governor in Council as hereinafter provided;
 - (h) if it is so coloured or coated or polished or powdered that damage is concealed, or if it is made to appear better or of greater value than it really is;

- (i) in the case of milk or butter, if it is the produce of a diseased animal or of an animal fed upon unwholesome food. 53 V., c. 26, s. 1; 61 V., c. 24, s. 1.

Injurious to health.

4. The following articles sold, offered or exposed for sale shall be deemed to have been adulterated in a manner injurious to health:—

Milk.

- (a) Milk, after any valuable constituent of the article has been abstracted therefrom, or water added thereto, or when it is the product of a diseased animal, or of an animal fed upon unwholesome food;

Vinegar.

- (b) Vinegar, if any mineral acid or any soluble salt having copper or lead as its base has been added thereto, either during the process of manufacture or subsequently;

Liquors.

- (c) Alcoholic, fermented or other potable liquors containing any of the articles mentioned in the first schedule to this Act, or any article hereafter added thereto by the Governor in Council. R.S., c. 107, ss. 15, 16 and 17; 53 V., c. 26, s. 6.

Honey.

5. Feeding bees with sugar, except for the purpose of being consumed by them as food, or with glucose or any sweet substance other than such bees gather from natural sources, with the intent that the same shall be used by the bees in the making of honey, or, excepting as aforesaid, the exposing of any such substance with such intent, shall be deemed a wilful adulteration of honey within the meaning of this Act. 59 V., c. 12, s. 1.

Agricultural fertilizer.

6. Every agricultural fertilizer sold, offered or exposed for sale shall be deemed to be adulterated within the meaning of this Act,—

- (a) if the chemical analysis thereof shows a deficiency of more than one per centum of any of the chemical substances the percentages whereof are to be specified in the certificate required by the Fertilizers Act to be produced to the inspector if the agricultural fertilizer is in bulk, or, if not in bulk, required to be affixed to each barrel, box, sack or package containing any such fertilizer; or,
- (b) if it contains less than the minimum percentage of such substances required by the said Act to be contained in such fertilizer. 53 V., c. 26, s. 2.

Drugs.

7. Every drug shall be deemed to be adulterated within the meaning of this Act if its strength, quality or purity falls below the professed standard under which it is sold, or if, when offered or exposed for sale under or by a name,—

- (a) recognized in the edition of 1898 of the British Pharmacopœia; or,
- (b) recognized in any foreign pharmacopœia, such as *Le Codex Medicamentarius* in France, or the Pharmacopœia of the United States, with the name of such pharmacopœia plainly labelled upon it; or,
- (c) which is not recognized in any pharmacopœia, but is found in some generally recognized standard work on *materia medica* or chemistry;

it differs from the standard of strength, quality or purity laid down therein. 62-63 V., c. 26, s. 1.

Analysis

Analysts to be appointed by Governor in Council. Chief analyst.

8. The Governor in Council may appoint one or more persons possessing competent medical, chemical and microscopical knowledge as analysts of food, drugs, agricultural fertilizers and other articles purchased, sold or exposed or

offered for sale within such territorial limits as are assigned to each of them respectively, and may also select from the analysts so appointed, or may appoint in addition thereto, a chief analyst, who shall be attached to the staff of the Department of Inland Revenue at Ottawa. R.S., c. 107, s. 3.

Examining board.

9. No analyst shall be appointed until he has undergone an examination before a special examining board appointed by the Governor in Council, nor until he has obtained from such board a certificate setting forth that he is duly qualified to perform the duties attached to the office of analyst. R.S., c. 107, s. 3.

Food examiners to be appointed by Governor in Council.

10. The Governor in Council may, on the nomination of the council of any city, town, county or township, or other municipality, appoint food examiners for such municipality, to examine such articles of food as are determined by the Governor in Council, but such appointment shall not be made unless and until the person so nominated has undergone an examination before the examining board herein above mentioned, and has obtained from such board a certificate setting forth that he is competent and duly qualified to examine and certify as to the nature and purity of the articles of food for the examination of which he is to be appointed, in which case his certificate of analysis with regard to such articles shall have like force and effect as those of the official analyst appointed under this Act. 53 V., c. 26, s. 2.

Remuneration.

11. The Governor in Council may cause such remuneration to be paid to the Chief Analyst and to such analysts as he deems proper, and such remuneration, whether by fees or salary, or partly in one way and partly in the other, may be paid to them out of any sums voted by Parliament for the purposes of this Act. R.S., c. 107, s. 4.

Procuring samples.

12. The officers of Inland Revenue, the inspectors and assistant inspectors of weights and measures, and the inspectors and deputy inspectors acting under the Inspection and Sale Act, or any of them, shall, when required so to do by any regulation made in that behalf by the Minister, procure and submit samples of food, drugs or agricultural fertilizers suspected to be adulterated, or of the articles mentioned in the fourth and fifth schedules to this Act, suspected to be falsely marked, to be analysed by the analysts appointed under this Act, and nothing contained in the Civil Service Act shall be deemed to prevent officers rendering service under this section from receiving extra salary or additional remuneration for such services. R.S., c. 107, s. 5; 51 V., c. 24, s. 2; 57-58 V., c. 37, s. 5.

Inspectors.

13. The council of any city, town, county or village may appoint one or more inspectors of food, drugs and agricultural fertilizers and of the articles mentioned in the fourth and fifth schedules to this Act; and such inspectors shall, for the purposes of this Act, have all the powers by this Act vested in officers of Inland Revenue; and any such inspector may require any public analyst to analyse any samples of food, drugs, agricultural fertilizers or other articles collected by him, if such samples have been collected in accordance with the requirements of this Act.

Analysis.

2. Such analyst shall, upon tender of the fees fixed for the analysis of such class of articles by the Governor in Council, forthwith analyse the same and give the inspector a certificate of such analysis.

Prosecution.

3. Such inspector may prosecute any person manufacturing, selling or offering or exposing for sale within the city, county, town or village for which he is appointed inspector, any article of food, drug, agricultural fertilizer or other

article which has been certified by any public analyst to have been adulterated or falsely marked within the meaning of this Act.

Special application of penalties.

4. Notwithstanding any other provision of this Act in respect of the disposition of penalties, all penalties imposed and recovered at the suit of any such inspector shall be paid into the revenue of the city, county, town or village by the council of which such inspector was appointed, and may be distributed in such manner as the council of such city, county, town or village by by-law directs. R.S., c. 107, s. 6; 57-58 V., c. 37, s. 5.

Procuring samples.

14. Any officer may procure samples of food, drugs or agricultural fertilizers which have not been declared exempt from the provisions of this Act, or samples of the articles mentioned in the fourth and fifth schedules to this Act, from any person who has such articles in his possession for the purpose of sale, or who sells or exposes the same for sale; and he may procure such samples either by purchasing the same or by requiring the person in whose possession they are to show him and allow him to inspect all such articles in his possession and the place or places in which such articles are stored and to give him samples of such articles on payment or tender of the value of such samples. R.S. c. 107, s. 7; 57-58 V., c. 37, s. 5.

Division of samples.

15. The officer purchasing any article with the intention of submitting the same to be analysed shall, after the purchase has been completed, forthwith notify the seller or his agent selling the article of his intention to have the same analysed by the public analyst and shall, except in specific cases respecting which provision is made by the Governor in Council, divide the article into three parts, to be then and there separated and each part to be marked and sealed up or fastened up, as its nature permits.

Distribution of samples.

2. Such officer shall deliver one of such parts to the seller or his agent if required by him so to do; he shall transmit another of such parts to the Minister for submission to the Chief Analyst in case of appeal and shall submit the remaining part to the analyst for the district within which the samples were taken, unless otherwise directed by the Minister.

Special analysis.

3. The Minister or the Deputy Minister or any person duly authorized in that behalf may, however, cause the part intended to be analyzed as in this section mentioned, to be submitted to the Chief Analyst or to any other of the analysts appointed under this Act, who is deemed by him to have special skill and experience in the examination of particular substances, and such analyst shall report to the Minister, and in every such case the certificate of the analyst employed under this section shall have the like force and effect as the certificate of the analyst hereinafter mentioned: R.S., c. 107, s. 9; 51 V., c. 24, s. 3.

Protection of samples.

16. The person from whom any sample is obtained under this Act may require the officer obtaining it, to annex to the vessel or package containing the part of the sample which he is hereby required to transmit to the Minister, the name and address of such person, and to secure, with a seal or seals belonging to him, the vessel or package containing such part of the sample, and the address annexed thereto, in such manner that the vessel or package cannot be opened, or the name and address taken off, without breaking such seals; and the certificate of the Chief Analyst or of his assistant analyst, shall state the name and address of the person from whom the said sample was obtained, that the vessel or package was not open, and that the seals, securing to the vessel or package the name and address of such person, were not broken until such time as he opened the vessel or package for the purpose of making his analysis; and in such case no certificate shall be receivable in evidence, unless there is

contained therein such statement as above, or a statement to the like effect R.S., c. 107, s. 10; 51 V., c. 24, s. 4.

Analysis and certificate of analyst.

17. When the officer has, by either of the means aforesaid, procured samples of the articles to be analysed, he shall cause the same to be analysed by one of the analysts appointed under this Act, and if it appears to the analyst that the sample is adulterated or falsely marked within the meaning of this Act, he shall certify such fact, stating in such certificate, in the case of an article of food or a drug, whether such adulteration is of a nature injurious to the health of the person consuming the same; and the certificate so given shall be received as evidence in any proceedings taken against any person in pursuance of this Act, subject to the right of such person to require the attendance of the analyst, for the purpose of cross-examination.

Expenses of analysis. Recovery.

2. Should any sample on examination be found by the analyst to be adulterated or falsely marked within the meaning of this Act, and be so reported to the Minister, the said Minister may, at his discretion, cause the result of the analysis to be communicated to the vendor, and require him to pay, at the rate specified in the second schedule to this Act, the cost of procuring and analysing the said sample; and should the said vendor refuse or neglect so to do, the Minister may then cause legal proceedings to be taken against him, as hereinafter provided. R.S., c. 107, s. 11; 53 V., c. 26, s. 3; 57-58 V., c. 37, s. 5.

Appeal to Chief Analyst.

18. If the vendor of the article respecting which the certificate referred to in the last preceding section is given, deems himself aggrieved thereby, he may, within forty-eight hours of the receipt of the first notification of the intention of the officer or other purchaser to take proceedings against him (whether such notification is given by the purchaser or by the ordinary process of law), notify the said officer or purchaser in writing that he intends to appeal from the decision of the analyst to the judgment of the Chief Analyst; and in such case the officer or purchaser shall transmit such notification to the Chief Analyst, and the Chief Analyst shall, with all convenient speed, analyse the part of the sample transmitted to the Minister for that purpose, and shall report thereon to the said Minister; and the decision of the Chief Analyst shall be final, and his certificate thereof shall have the same effect as the certificate of the analyst mentioned in the last preceding section. 53 V., c. 26, s. 4.

Analysts to report to Minister.

19. Every analyst appointed under this Act shall report quarterly to the Minister the number of articles of food, drugs and agricultural fertilizers and other articles analysed by him under this Act during the preceding quarter, and shall specify the nature and kind of adulterations detected in such articles; and all such reports, or a synopsis of them, and the names of the vendors or persons from whom obtained, and of the manufacturers when known, shall be printed and published for the information of the public at such times and in such manner as the said Minister directs, and shall also be laid before Parliament as an appendix to the annual report of the said Minister. 53 V., c. 26, s. 5; 57-58 V., c. 37, s. 5.

Adulteration

Prohibition.

20. Except as hereinafter provided, no person shall manufacture, sell, expose or offer for sale any food, drug or agricultural fertilizer which is adulterated within the meaning of this Act. R.S., c. 107, s. 14.

False marking.

21. No person shall mark, brand or label any article or any package containing any article mentioned in the first column of the fourth schedule to this Act, with the word *Pure*, *Genuine*, or any word equivalent thereto, or sell, or offer or expose for sale, any such article or package so marked, branded,

stamped or labelled, unless such article or the contents of such package are pure within the meaning of the second column of the said schedule. 57-58 V., c. 37, s. 1.

Illegal sale.

22. No person shall sell, or offer or expose for sale, any article or any substance for domestic use under the name or designation contained in the first column of the fifth schedule to this Act, unless such article or substance is free from adulteration or admixture of foreign matter and unless it possesses the composition and distinguishing characteristics stated in the second column of the said schedule. 57-58 V., c. 37, s. 2.

Skim milk. Proviso.

23. Milk from which the cream has been removed by skimming, or by a separator or creamer, may be sold as skim milk, if contained in cans bearing upon their exterior the word *Skimmed* in letters of not less than two inches in length and served in measures also similarly marked: Provided that any person supplying such skim milk, unless such quality of milk has been asked for by the purchaser, shall not be protected by this section from any prosecution on account of any violation of this Act. R.S., c. 107, s. 15.

Exceptions.

24. Notwithstanding anything in this Act contained, no food or drug shall be deemed to be adulterated in the following cases:—

Mixtures.

- (a) Where any matter or ingredient not injurious to health has been added to the food or drug, in case such matter or ingredient is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption, if the same has not been fraudulently added to such food or drug for the purpose of increasing the bulk, weight or measure thereof, or to conceal its inferior quality, and each package, roll, parcel or vessel containing every such article of food or drug manufactured, sold or exposed for sale is distinctly labelled as a mixture in conspicuous characters forming an inseparable part of a general label thereon bearing the name and address of the manufacturer;

Patent medicines.

- (b) Where the food or drug is a proprietary medicine or is the subject of a patent in force, and is supplied in the state required by the specification of the patent;

Unavoidable mixture.

- (c) Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation;

Compounds.

- (d) Where any articles of food not injurious to the health are mixed together as a compound, and sold or offered for sale as such, with each package, roll, parcel or vessel containing such articles distinctly labelled as a mixture in conspicuous characters forming an inseparable part of a general label bearing the name and address of the manufacturer. 53 V., c. 26, s. 1; 61 V., c. 24, ss. 2 and 3.

Exemptions.

25. The Governor in Council may, from time to time, declare certain articles or preparations exempt in whole or in part from the provisions of this Act, and may add to the first schedule to this Act any article or ingredient, the addition of which is by him deemed necessary in the public interest; and every order in council in that behalf shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days from the date of such publication. R.S., c. 107, s. 18; 53 V., c. 26, s. 7.

Standards of quality.

26. The Governor in Council shall, from time to time, cause to be prepared and published, lists of the articles, mixtures or compounds declared exempt from the provisions of this Act, in accordance with the last preceding section, and shall also, from time to time, establish a standard of quality for, and fix the limits of variability permissible in any article of food or drug or compound, the standard of which is not established by any such pharmacopœia or standard work as is hereinbefore mentioned; and the orders in council fixing the same shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days after the publication thereof. 53 V., c. 26, s. 8.

Powers of Governor in Council.

27. The Governor in Council may add any articles to the fourth and fifth schedules to this Act, and determine the standard of purity therefor, and may remove any articles from the said schedules; and the order in council in that behalf shall be published in four successive issues of the *Canada Gazette*, after which it shall have like effect as if such articles had been included in the said original schedules.

Order in council to have effect until when.

2. Any order in council made under the provisions of this section shall have effect only until the end of the next succeeding session of Parliament. 57-58 V., c. 37, s. 4.

Seizure.

28. Whenever any article of food, any drug, or any agricultural fertilizer is reported by any analyst as being adulterated within the meaning of this Act, the Minister may, if he thinks fit, order such article, and all other articles of the same kind and quality which were in the same place at the time the article analysed was obtained, to be seized by any officer of Customs or Inland Revenue, and detained by him until an analysis of samples of the whole is made by the Chief Analyst. R.S., c. 107, s. 20.

Forfeiture.

29. If the Chief Analyst reports to the Minister that the whole or any part of such articles are adulterated, the Minister may declare such articles, or so much thereof as the Chief Analyst reports as being adulterated, to be forfeited to the Crown; and such articles shall thereupon be disposed of as the Minister directs. R.S., c. 107, s. 21.

Honey.

30. Except for the exclusive purpose of consumption as food, no person shall feed with or expose with intent that bees shall feed on the same, any sugar, glucose or any other sweet substance other than such as bees gather from natural sources; and no honey made by bees in whole or in part from any of such substances, and no imitation of honey or sugar honey so called, or other substitute for honey shall be manufactured or produced for sale or sold or offered for sale in Canada. 59 V., c. 12, s. 1.

Offences and Penalties*Adulteration.*

31. Every person who wilfully adulterates any article of food or any drug, or orders any other person so to do, shall,—

Injurious. Penalty.

- (a) if such adulteration is, within the meaning of this Act, deemed to be injurious to health, for the first offence incur a penalty not exceeding five hundred dollars and costs, or six months' imprisonment, or both, and not less than fifty dollars and costs, and for each subsequent offence a penalty not exceeding one thousand dollars and costs, or one year's imprisonment, or both, and not less than one hundred dollars and costs;

Not injurious. Penalty.

- (b) if such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur a penalty not exceeding two hundred dollars and costs, or three months' imprisonment, and for each subsequent offence a penalty not exceeding five hundred dollars and costs, or six months' imprisonment, or both, and not less than one hundred dollars and costs. 61 V., c. 24, s. 4.

Sale.

32. Every person who, by himself or his agent, sells, offers for sale, or exposes for sale, any article of food or any drug, which is adulterated within the meaning of this Act, shall,—

Injurious. Penalty.

- (a) if such adulteration is, within the meaning of this Act, deemed to be injurious to health, for a first offence incur a penalty not exceeding two hundred dollars and costs, or three months' imprisonment, or both, and for each subsequent offence a penalty not exceeding five hundred dollars and costs or six months' imprisonment, or both, and not less than fifty dollars and costs;

Not injurious. Penalty.

- (b) if such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur for each such offence a penalty not exceeding one hundred dollars and costs, and not less than five dollars and costs. 61 V., c. 24, s. 5.

Want of knowledge. Discharged from prosecution, but liable for costs.

33. If the person accused proves to the court before which any prosecution is brought for selling, offering or exposing for sale any article of food or drug that has been adulterated, that he purchased the article in question for and as an article of the same nature, substance and quality as that demanded of him by the purchaser or inspector, with a warranty to that effect according to the form in the third schedule to this Act, and produces the said warranty at the trial had on such prosecution, and also proves that he sold it in the same state as when he purchased it, and that he could not, with reasonable diligence, have obtained knowledge of its adulteration, he shall be discharged from such prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence and has called the party from whom he purchased the said article into the case as provided for in this Act, in which case the Minister may, as hereinbefore authorized, declare such article, or so much thereof as the Chief Analyst reports as being adulterated to be forfeited to the Crown. 61 V., c. 24, s. 5.

Calling in third party. Court to have jurisdiction over him.

34. If the person presenting such defence shall, upon his sworn declaration that he purchased the article in good faith and as provided for in the last preceding section, obtain a summons to call such third party into the case, the court shall at the same time hear all the parties and decide upon the entire merits of the case, not only as regards the person originally accused, but also as regards the third party so brought into the case. 61 V., c. 24, s. 5.

Refusal of access. Penalty.

35. If the person who has in his possession any food, drugs or agricultural fertilizers which have not been declared exempt from the provisions of this Act, or any of the articles mentioned in the fourth and fifth schedules to this Act, shall, when required so to do by any officer in pursuance of the provisions of this Act, refuse or omit to show the officer the place in which any such articles are stored, or shall refuse or fail to admit the officer into every such place, or shall refuse or omit to show such officer all or any of such articles in his possession, or to permit the officer to inspect the same, or to give any sample thereof, or to furnish such officer with any light or assistance he requires for any of such purposes, he shall be liable to the same penalty as if he knowingly sold or exposed for sale adulterated articles. R.S., c. 107, s. 8; 57-58 V., c. 37, s. 3:

Illegal possession. Penalty.

36. Every compounder or dealer in, and every manufacturer of intoxicating liquors, who has in his possession or in any part of the premises occupied by him as such, any adulterated liquor, knowing it to be adulterated, or any deleterious ingredient specified in the first schedule to this Act, or added to such schedule by the Governor in Council, for the possession of which he is unable to account to the satisfaction of the court before which the case is tried, shall be deemed knowingly to have exposed for sale adulterated food, and shall incur for the first offence a penalty not exceeding one hundred dollars, and for each subsequent offence a penalty not exceeding four hundred dollars. R.S., c. 107, s. 24; 53 V., c. 26, s. 10.

False label. Penalty.

37. Every person who knowingly attaches to any article of food, or any drug, any label which falsely describes the article sold, or offered or exposed for sale, shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars and costs. R.S., c. 107, s. 25.

False marking. Penalty.

38. Every person who marks, brands or labels any article or any package containing any article mentioned in the first column of the fourth schedule to this Act with the word *Pure*, or *Genuine*, or any word equivalent thereto, or sells or offers or exposes for sale any such article or package so marked, branded, stamped or labelled, unless such article or the contents of such package are pure within the meaning of the second column of the said schedule, shall, for every violation, be liable to a penalty not exceeding one hundred dollars.

Application of.

2. A moiety of such penalty shall belong to the prosecutor and the other moiety to the Crown. 57-58 V., c. 37, ss. 1 and 3.

Illegal sale.

39. Every person who sells, offers or exposes for sale any article or any substance for domestic use under the name or designation contained in the first column of the fifth schedule to this Act, unless such article or substance is free from adulteration or admixture of foreign matter and unless it possesses the composition and distinguishing characteristics stated in the second column of the said schedule, shall, for every violation, be liable to a penalty not exceeding one hundred dollars.

Application of.

2. A moiety of such penalty shall belong to the prosecutor and the other moiety to the Crown. 57-58 V., c. 37, ss. 2 and 3.

Application of penalties.

40. Every penalty imposed and recovered under this Act shall, except as herein otherwise provided and except in the case of any suit, action or prosecution brought or instituted under the provisions of the next following section, be paid over to the Minister of Finance and shall form part of the Consolidated Revenue Fund. R.S., c. 107, s. 26.

General*Duty of officers.*

41. It shall be the duty of any officer entrusted with the enforcement of this Act, when he is required thereto by any person, to purchase from the vendor of any article sold or exposed for sale a sample thereof and submit it for analysis in accordance with the provisions of this Act, provided the person so requiring such purchase and analysis deposits with such officer at the time such a demand is made, a sum of money sufficient to pay for such sample and analysis.

Prosecution.

2. If, upon analysis, such article is found to be adulterated within the meaning of this Act, the person at whose instance the analysis is made, any prosecute the vendor of the article, or may require such officer to prosecute

the vendor upon making a deposit of twenty-five dollars with the collector of Inland Revenue, as security for the costs of such prosecution, and every person so prosecuting shall be entitled to a moiety of the penalty imposed, upon conviction of the person accused.

By Department.

3. Nothing herein contained shall be held to preclude such officer, or the Department of Inland Revenue, from prosecuting the vendor of such article so adulterated: Provided that a second prosecution shall not be instituted for the same offence. 61 V., c. 24, s. 6.

Any person may proceed for adulteration.

42. Nothing herein contained shall be held to preclude any person from submitting any sample of food, drug, or agricultural fertilizer for analysis to any public analyst, or from prosecuting the vendor thereof, if it is found to be adulterated within the meaning of this Act. 61 V., c. 24, s. 7.

Duty of public analyst.

43. Any public analyst shall analyse such sample on payment of the fee prescribed with respect to such article or class of articles by the Governor in Council. 61 V., c. 24, s. 7.

Division of article by purchaser. For purpose of analysis.

44. The person purchasing any article with the intention of submitting it to analysis, shall after the purchase is completed forthwith notify to the seller or his agent selling the article his intention to have it analysed by the public analyst, and shall offer to divide the article into three parts to be then and there separated, each part to be marked and sealed or fastened up in such manner as its nature will permit of, and shall, if required to do so, proceed accordingly, and he shall deliver one of the parts to the seller or his agent, retain one of the parts for future comparison, and submit the third part to the analyst, if he deems it right to have the article analysed. 61 V., c. 24, s. 7.

Division by analyst.

45. If the seller or his agent does not accept the offer of the purchaser to divide in his presence the article purchased, the analyst receiving the article for analysis shall divide it into two parts, and shall seal or fasten one of those parts, and shall cause it to be delivered, either upon receipt of the sample or when he supplies his certificate, to the purchaser, who shall retain such part for production in case proceedings are afterwards taken in the matter. 61 V., c. 24, s. 7.

Expenses. A portion of costs.

46. Any expenses incurred in procuring and analysing any food, drug or agricultural fertilizer, in pursuance of this Act, shall, if the person from whom the sample is taken is convicted of having in his possession, selling, offering or exposing for sale, adulterated food, drugs or agricultural fertilizers, in violation of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly; and in all other cases such expenses shall be paid as part of the expenses of the officer, or by the person who procured the sample, as the case may be. 53 V., c. 26, s. 11.

Counsel fee.

47. Such expenses of prosecution shall also include a reasonable counsel fee, in the discretion of the judge; and in the case of a private prosecutor, if the prosecution is dismissed as being instituted without reasonable and probable cause, the costs of defence shall be taxed against such prosecutor. 61 V., c. 24, s. 8.

Regulations.

48. The Governor in Council may, from time to time, make such regulations as to him seem necessary, for carrying the provisions of this Act into effect. R.S., c. 107, s. 29.

Inland Revenue Act.

49. The provisions of the Inland Revenue Act, whether enacted with special reference to any particular business or trade, or with general reference to the collection of the revenue, or the prevention, detection or punishment of fraud or neglect in relation thereto, shall extend, apply and be construed and shall have effect with reference to this Act, as if they had been enacted with special reference to the matters and things herein provided for. R.S., c. 107, s. 30.

Procedure under Inland Revenue Act.

50. Every penalty imposed under this Act may be enforced and dealt with as if imposed under the Inland Revenue Act, and every compounder, and the apparatus used by him, and the place in which his business is carried on, and the articles made or compounded by him, or used in compounding any such article, shall be subject to excise under the said Act. R.S., c. 107, s. 30: 57-58 V., c. 37, s. 3.

Other remedies.

51. Nothing in this Act contained shall affect the power of proceeding by indictment or take away any other remedy against any offender under this Act. 61 V., c. 24, s. 9.

SCHEDULES

FIRST SCHEDULE

Cocculus indicus, chloride of sodium (otherwise common salt), copperas, opium, cayenne pepper, picric acid, salicylic acid, Indian hemp, strychnine, tobacco, darnel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives, amyl alcohol, and any extract or compound of any of the above ingredients.

SECOND SCHEDULE

Milk	\$ 8.00
Bread, sweets and any other articles not mentioned in this schedule, each	9.00
Butter, cheese, malt liquors, cider, wines, alcoholic liquors, tinctures, liqueurs, condiments, spices, drugs, oils, fats, proprietary medicines, infants' and invalids' foods, condensed milk and fertilizers, each	12.00
Tea, coffee, tobacco, cocoa, chocolate, opium, pharmaceutical liquors, fluid extracts, dispensed medicines and waters, each	14.00

53 V., c. 26, s. 12; 61 V., c. 24, s. 10.

THIRD SCHEDULE

Form of Warranty

I hereby warrant that the undermentioned articles manufactured by myself or by persons known to me and sold by me to.....
on the dates opposite thereto, are pure and unadulterated within the meaning of the Adulteration Act.

Date.	Article.

(Signature of manufacturer or vendor.)

61 V., c. 24, s. 10.

FOURTH SCHEDULE

1	2
Dry white lead...	Basic carbonate of lead prepared by corrosion of metallic lead.
White lead in oil.	Dry white lead ground in pure linseed oil in the proportion of 90 to 92 per centum of the former to 8 to 10 per centum of the latter.

FIFTH SCHEDULE

1	2
Paris green	An insecticide containing at least fifty per centum of arsenious acid and at least thirty per centum of cupric oxide and being completely soluble in aqueous ammonia.
Vinegar	A more or less coloured liquid, consisting essentially of impure dilute acetic acid obtained by the oxidation of wine, beer, cider or other alcoholic liquid.

57-58 V., c. 37, sch.

1907

CHAPTER 4

AN ACT to amend the Adulteration Act. [Assented to 27th April, 1907.]

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 133, s. 2 amended.

1. Paragraph (f) of section 2 of *The Adulteration Act*, chapter 133 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:—

Definition of "analyst."

"(f) 'analyst' means public analyst and includes any member of the examining board appointed under the authority of this Act, and also the chief analyst and the assistant chief analyst."

New sec. 8.

2. Section 8 of the said Act is repealed, and the following is substituted therefor:—

Appointment of analysts.

"8. The Governor in Council may appoint one or more persons as public analysts to analyse food, drugs, agricultural fertilizers, and other articles, and may also appoint a chief analyst and an assistant chief analyst.

"2. The Governor in Council may assign a public analyst to a particular district, and may fix the territorial limits of such district.

"3. The chief analyst, the assistant chief analyst, and such other public analysts as the Governor in Council directs, shall be attached to the staff of the Department of Inland Revenue at Ottawa.

"4. The assistant chief analyst shall have the same powers as are conferred by this Act upon the chief analyst."

New sec. 15.

3. Section 15 of the said Act is repealed and the following is substituted therefor:—

Division of samples.

"15. The officer purchasing any article with the intention of submitting it to be analysed, shall, after the purchase has been completed, forthwith notify the seller or his agent selling the article, of his intention to have it analysed by a public analyst, and shall, except in specific cases, respecting which special provision may be made by the Governor in Council, divide the article into three parts, to be then and there separated, and each part to be marked and sealed up or fastened up, as its nature permits.

Distribution of parts.

"2. Such officer shall deliver one of such parts to the seller or his agent if required by him so to do; he shall transmit another of such parts to the Minister for submission to the chief analyst or the assistant chief analyst in case of appeal; and he shall submit the remaining part to such public analyst as the Minister or the Deputy Minister or any person duly authorized in that behalf directs."

New sec. 16.

4. Section 16 of the said Act is repealed and the following is substituted therefor:—

Protection of samples.

"16. The person from whom any sample is obtained under this Act may require the officer obtaining it to annex to the vessel or package containing the part of the sample which he is hereby required to transmit to the Minister, the name and address of such person, and to secure with a seal or seals, belonging to him, the vessel or package containing such part of the sample, and the address annexed thereto, in such manner that the vessel or package cannot be opened, or the name and address taken off without breaking such seals; and the certificate of the chief analyst or of the assistant chief analyst shall state the name and address of the person from whom the said sample was obtained, that the vessel or package was not open, and that the seals, securing to the vessel or package the name and address of such person, were not broken until such time as he opened the vessel or package for the purpose of making his analysis; and in such case no certificate shall be receivable in evidence unless there is contained therein such statement as above or a statement to the like effect."

1913

CHAPTER 4

AN ACT to amend the Adulteration Act.

[Assented to 6th June, 1913.]

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 133, schedule amended.

1. The Fourth Schedule of *The Adulteration Act*, chapter 133 of the Revised Statutes, 1906, is hereby repealed and the following is substituted therefor:—

"FOURTH SCHEDULE

1	2
Dry white lead	Basic carbonate of lead prepared by corrosion of metallic lead.
White lead in oil	Dry white lead ground in pure linseed oil in the proportion of 90 to 92 per cent of the former to 8 to 10 per cent of the latter.

"FOURTH SCHEDULE—Con.

1	2
Turpentine (when not sold as a drug)	<p>(1) It shall be entirely free from mineral oil.</p> <p>(2) Unless sold as wood turpentine, it shall absorb not less than 340 times its weight of iodine (Hubl Solution and Method). If sold as wood turpentine it shall absorb not less than 240 times its weight of iodine by same method.</p> <p>(3) The undissolved (unpolymerized) residue on treatment of 10cc with 40cc of a sulphuric acid containing 20 per cent of the fuming acid, shall not exceed 10 per cent by volume of the sample.</p> <p>(4) The refractive index of this residue shall be not less than 1.4950 at 20°C.</p> <p>(5) The refractive index of the sample at 20°C. shall lie between 1.4680 and 1.4730.</p> <p>(6) The specific gravity of the sample at 20°C. shall not be less than 0.860.</p> <p>(7) The initial boiling point shall not be lower than 150°C. under ordinary atmospheric pressure.</p> <p>(8) At least 75 per cent by volume shall distil below 160°C.</p> <p>(9) The residue on evaporation over a steam bath shall not exceed 2 per cent.</p>
Arsenate of lead	<p>(1) An insecticide, containing at least 48 per cent of its weight of solids as a residue when dried to constant weight on the steam bath; and these solids must essentially consist of the pentoxide of arsenic in combination with the monoxide of lead. Water-soluble arsenic (expressed as the tri-oxide of arsenic) must not be present to more than one per cent of the weight of the insecticide as sold.</p> <p>(2) Arsenate of lead shall be regarded as adulterated if any substance has been mixed or packed with it so as to reduce, lower or injuriously affect its quality or strength."</p>

1914

CHAPTER 19

AN ACT to amend the Adulteration Act.

R.S., c. 133; 1907, c. 4; 1913, c. 4.

[Assented to 12th June, 1914.]

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 133 amended.

1. The *Adulteration Act*, Revised Statutes, 1906, chapter 133, is amended by repealing paragraph (d) of section 2 and substituting the following therefor:—

Definition.

"(d) 'Agricultural fertilizer' includes every natural or artificial manure containing phosphoric acid, nitrogen, or potash, except ordinary stable manure:—

2. Section 2 is further amended by adding the following paragraph at the end thereof:—

"(g) 'package' includes any box, bottle, basket, tin, barrel, case, receptacle, sack, bag, wrapper or other thing in which any article is placed or packed."

2. Section 16 as amended by section 4 of chapter 4 of the statutes of 1907 and subsection 1 of section 17 are repealed and the following substituted therefor:—

Protection of samples.

"16. The person from whom any sample is obtained under this Act may require the officer obtaining it to annex to the vessel or package containing the part of the sample which he is hereby required to transmit to the Minister, the name and address of such person, and to secure with a seal or seals, belonging to him, the vessel or package containing such part of the sample, and the address annexed thereto, in such manner that the vessel or package cannot be opened, or the name and address taken off without breaking such seals; and the certificate of the chief analyst or of the assistant chief analyst shall state the name and address so annexed to the vessel or package, that the vessel or package was not open, and that the seals, securing to the vessel or package the name and address of such person, were not broken until such time as he opened the vessel or package for the purpose of making his analysis; and in such case no certificate shall be receivable in evidence unless there is contained therein such statement as above or a statement to the like effect.

Analysis.

"17. When the officer has, by either of the means aforesaid, procured samples of the articles to be analysed, he shall cause the same to be analysed by one of the analysts appointed under this Act, and if it appears to the analyst that the sample is adulterated or falsely marked within the meaning of this Act, he shall certify such fact, stating in such certificate, in the case of an article of food or a drug, whether such adulteration is of a nature deemed to be injurious to the health of the person consuming the same; and the certificate so given shall be received as evidence in any proceedings taken against any person in pursuance of this Act, subject to the right of such person to require the attendance of the analyst, for the purpose of cross-examination."

Form of Certificate.

3. The following section is inserted immediately after section 18:—

"18A. The certificate of the analyst or chief analyst may be in the form A in the seventh schedule to this Act."

Maple sugar and syrup.

4. The following section is inserted immediately after section 29:—

"29A. No person shall manufacture for sale, keep for sale, or offer or expose for sale, as maple sugar any sugar which is not pure maple sugar, nor as maple syrup any syrup which is not pure maple syrup, and any maple sugar or maple syrup which is not up to the standard prescribed by the Sixth Schedule to this Act, or, if such standard is changed by the Governor in Council, to such standard as the Governor in Council may from time to time prescribe, shall be deemed to be adulterated within the meaning of this Act.

Use of word "maple".

"2. The word 'maple' shall not be used either alone or in combination with any other word or words on the label or other mark, illustration or device on a package containing any article of food or on any article of food itself which is or which resembles maple sugar or maple syrup, and no package containing any article of food or any article of food itself, which is not pure maple sugar or pure maple syrup, shall be labelled or marked in such a manner as is likely to make persons believe it is maple sugar or maple syrup which is not pure maple sugar or pure maple syrup, and any article of food labelled or marked in violation of this subsection shall be deemed to be adulterated within the meaning of this Act."

5. Section 30 is repealed and the following is substituted therefor:—

Honey.

"30. The word 'honey' shall not be used either alone or in combination with any other word or words on the label or other mark, illustration or device on any package containing any article of food which is or which resembles honey and which is not pure honey made by bees, and no package containing any article of food which is not pure honey shall be labelled or marked in such a manner as is likely to make persons believe it a pure honey, and any article of food labelled or marked in violation of this section shall be deemed to be adulterated within the meaning of this Act.

Medicinal syrups excepted.

"2. The provisions of this section shall not apply to any syrup or compound manufactured and sold for medical purposes only."

6. This Act shall come into force on the first day of January, 1915.

7. The following schedules are annexed to the said Act:—

"SIXTH SCHEDULE**Standards for Maple Sugar**

Maple sugar shall be entirely the solid product resulting from the evaporation of maple sap, or of maple syrup, and contain not more than ten (10) per cent of water; and yield not less than six-tenths (0.6) of one per cent of ash, reckoned on the dry matter of the sugar when incinerated in such a way as to assure the earths being present as salts and not as oxides, and not less than twelve one-hundredths (0.12) of one per cent of ash, insoluble in water, employed as described below and yielding a lead number not less than one and seven-tenths (1.7) when worked by the Canadian method, nor less than one and two-tenths (1.2) when worked by the Winton method.

Minute traces of substances such as gelatine, albumen, isinglass, etc., which may have been employed as refining or clarifying agents in manufacture, shall not be regarded as adulterants.

Standard for Maple Syrup

Maple syrup shall be syrup made by the evaporation of maple sap, or by the solution of maple concrete in water, and contain not more than thirty-five (35) per cent of water and an imperial gallon of maple syrup, measured at ordinary temperature of the air, shall weigh not less than thirteen pounds three ounces. The dry substance of maple syrup shall meet all the above standards for maple sugar.

Provided always that the Governor in Council may from time to time vary and change the said standards for maple sugar and maple syrup.

"SEVENTH SCHEDULE**A****Certificate of Analysis**

I, Public Analyst, for the District of (or Chief Analyst, or public analyst hereunto duly authorized by the Minister of Inland Revenue, as the case may be,) duly appointed and acting under the authority of the Adulteration Act do hereby certify:—

1. That I received from on the day of 191..... a sample described as follows:—

(Here should follow a particular description of the sample, stating how it is enclosed and marked).

2. That annexed to the said sample was the following name and address,—

(This paragraph to be used only when the sample is sealed as provided in section 16).

3. That the vessel or package containing the name was not opened when it was so received by me, and that the seals securing to the said vessel or package the name and address aforesaid were not broken until such time as I opened the vessel or package for the purpose of making my analysis.

(This paragraph to be used only when the sample is sealed as provided in section 16).

4. That I duly analysed the said sample; and I certify that the said sample was (state whether "adulterated" or "falsely marked") within the meaning of the Adulteration Act and contains.

5. That the adulteration of the said sample is of a nature deemed to be (not) injurious to the health of the person consuming the same. *(This paragraph to be used only where the sample is an article of food or a drug).*

I do also certify and say that the above certificate of analysis is true to the best of my knowledge and skill.

*(Chief Analyst or Assistant Chief Analyst
or Public Analyst as the case may be)."*

1915

CHAPTER 9

AN ACT to amend the Adulteration Act.

[Assented to 15th April, 1915.]

R.S. c. 133; 1907, c. 4; 1913, c. 4; 1914, c. 19.

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 29A of the *Adulteration Act*, chapter 133 of the Revised Statutes, 1906, as enacted by chapter 19 of the statutes of 1914, is repealed and the following is substituted therefor:—

Manufacture and sale of adulterated maple sugar or syrup.

"29A. No person shall manufacture for sale, keep for sale, offer or expose for sale, or sell, any article of food resembling or being an imitation of maple sugar or maple syrup, or which is composed partly of maple sugar or maple syrup, and which is not pure maple sugar or pure maple syrup.

Adulterated maple sugar or syrup defined.

"2. Any maple sugar or maple syrup which is not up to the standard prescribed by the sixth schedule to this Act, or, if such standard is changed by the Governor in Council, to such standard as the Governor in Council may from time to time prescribe, shall be deemed to be adulterated within the meaning of this Act.

Use of word "maple" restricted to pure maple sugar or syrup.

"3. The word 'maple' shall not be used, either alone or in combination with any other word or words, or letter or letters, on the label or other mark, illustration or device on a package containing any article of food, or on any article of food itself, which is not pure maple sugar or pure maple syrup, and any article of food labelled or marked in violation of this subsection shall be deemed to be adulterated within the meaning of this Act."

2. Sections 31 and 32 of the said Act are repealed and the following are substituted therefor:—

Wilful adulteration.

"31. Every person who wilfully adulterates any article of food or any drug, or orders any other person so to do, shall

Injurious. Penalty.

- (a) if such adulteration is, within the meaning of this Act, deemed to be injurious to health, for a first offence, incur a penalty not exceeding five hundred dollars and costs, or six months' imprisonment, or both, and not less than fifty dollars and costs; and for each subsequent offence, a penalty not exceeding one thousand dollars and costs, or one year's imprisonment, or both, and not less than one hundred dollars and costs;

Not injurious. Penalty.

- (b) if such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur a penalty not exceeding two hundred dollars and costs, or three months' imprisonment, or both, and not less than twenty-five dollars and costs, and for each subsequent offence, a penalty not exceeding five hundred dollars and costs, or six months' imprisonment, or both, and not less than one hundred dollars and costs.

Sale of adulterated articles.

"32. Every person who, by himself or his agent, sells, offers for sale, or exposes for sale, any article of food or any drug which is adulterated within the meaning of this Act shall

Injurious. Penalty.

- (a) if such adulteration is, within the meaning of this Act, deemed to be injurious to health, for the first offence incur a penalty not exceeding two hundred dollars and costs, or three months' imprisonment, or both, and not less than fifty dollars and costs; and for each subsequent offence a penalty not exceeding five hundred dollars and costs, or six months' imprisonment, or both, and not less than fifty dollars and costs;

Not injurious. Penalty.

- (b) if such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur, for the first offence, a penalty not exceeding one hundred dollars and costs, or three months in jail, or both, and not less than twenty-five dollars and costs, and for each subsequent offence a penalty not exceeding two hundred dollars and costs, or six months in jail, or both, and not less than fifty dollars and costs."

3. Section 37 of the said Act is repealed and the following is substituted therefor:—

False label or neglect to label. Penalty.

"37. Every person who knowingly attaches to any article of food or any drug any label which falsely describes the article sold, or offered or exposed for sale, or who neglects or refuses to label or mark any article of food or drug in accordance with the requirements of this Act, shall incur a penalty for the first offence not exceeding two hundred dollars and not less than twenty-five dollars, or two months in jail, or both, and for each subsequent offence a penalty not exceeding three hundred dollars and not less than fifty dollars, or four months in jail, or both."

Application of penalties.

4. Section 40 of the said Act is repealed and the following is substituted therefor:—

"40. Under such regulations as may be made by the minister, an amount not exceeding one-half of the penalties imposed and recovered under this Act may be paid to any person who has given information or otherwise aided in effecting the recovery of the penalty, and the other portion of the penalty shall be paid to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada."

1920

CHAPTER 27

AN ACT respecting Food and Drugs

[Assented to 14th June, 1920.]

R.S., c. 133; 1907, c. 4; 1913, c. 4; 1914, c. 19; 1915, c. 9; 1919, c. 24;
1919 (2nd Sess.), c. 4.

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Food and Drugs Act, 1920*.

Definitions.

2. In this Act, and in any regulation made under this Act, unless the context otherwise requires,—

"Department."

- (a) "Department" means the Department of the Government under which or in connection with which this Act is administered;

"Dominion Analyst."

- (b) "Dominion analyst" means any analyst appointed for the purposes of this Act and includes the Chief Dominion Analyst and the Assistant Chief Dominion Analyst;

"Drug."

- (c) "drug" includes all medicines for internal or external use for man or animal;

"Food."

- (d) "food" includes every article used for food or drink by man, and every ingredient intended for mixing with the food or drink of man for any purpose whatever;

"Inspector."

- (e) "inspector" means any person duly appointed for the purpose of carrying out the provisions of this Act;

"Magistrate."

- (f) "magistrate" means and includes any judge of the sessions of the peace, recorder, police magistrate, two justices of the peace or any magistrate or court having the power or authority of two or more justices of the peace;

"Minister."

- (g) "Minister" means the Minister charged with the administration of this Act;

"Package."

- (h) "package" includes any box, bottle, basket, tin, barrel, case, receptacle, sack, bag, wrapper, or other thing in which any article is placed or packed;

"Sample."

- (i) "sample" means a sample of any food or drug taken under the provisions of this Act or of any regulation made hereunder.

Adulteration*Food, when deemed to be adulterated.*

3. (1) Food shall be deemed to be adulterated within the meaning of this Act,—

- (a) if any substance has been mixed with it so as to reduce or lower or injuriously affect its quality or strength;

- (b) if any inferior or cheaper substance has been substituted wholly or in part for the article;
- (c) if any valuable constituent of the article has been wholly or in part abstracted;
- (d) if it consists wholly or in part of any diseased or putrid or rotten animal or vegetable substance, whether manufactured or not;
- (e) if it is obtained from a diseased animal, or from an animal fed upon unwholesome food;
- (f) if it contains any added poisonous ingredient, or any ingredient which may render it injurious to the health of the person consuming it, whether added with intent or otherwise; or,
- (g) if its strength or purity falls below the standard, or its constituents are present in quantity not within the limits of variability fixed by the Governor in Council as hereafter provided.

Milk.

(2) In the case of milk any adulteration shall be deemed to be injurious to health.

Drug, when deemed to be adulterated.

4. (1) Every drug shall be deemed to be adulterated within the meaning of this Act if its strength, quality or purity falls below the professed standard under which it is sold; or if, when offered or exposed for sale under or by a name,—

Recognized standards.

- (a) recognized in the latest edition of the British Pharmacopœia; or,
- (b) recognized in the latest edition of any foreign pharmacopœia; or,
- (c) which is not recognized in any pharmacopœia but is found in some generally recognized standard work on *materia medica* or drugs;

it differs from the standard of strength, quality or purity laid down therein.

British standard to prevail if authority not named.

(2) Unless a drug is sold in such a manner as plainly to indicate that its quality is to be judged by an authority other than the British Pharmacopœia, and such authority is named, it shall be deemed to be adulterated unless it conforms to the standard of strength, quality and purity for such drug as these are defined by the latest edition of the British Pharmacopœia.

Misbranding

Food, when deemed to be misbranded.

5. Food shall be deemed to be misbranded within the meaning of this Act,—

- (a) if it is an imitation of, or substitute for, or resembles in a manner likely to deceive, another article of food or drug under the name of which it is sold or offered or exposed for sale and is not plainly and conspicuously labelled so as to indicate its true character;
- (b) if it is stated to be the product of a place or a country of which it is not truly a product;
- (c) if it is sold or offered for sale by a name which belongs to another article;
- (d) if it is so coloured or coated or powdered or polished that damage is concealed, or if it is made to appear better or of greater value than it really is;
- (e) if false or exaggerated claims are made for it upon the label or otherwise;
- (f) if in package form, sealed by the manufacturer or producer, and bearing his name and address, the contents of each package are not conspicuously and correctly stated within limits of variability to be fixed by regulations as in this Act provided, in terms of weight, measure or number, upon the outside of the package; provided that this subsection

shall not apply to packages the weight of which including the package and contents is under two ounces; provided also that nothing in this section shall be taken to require the statement of weight, measure or number upon containers or packages of standard size as provided by orders of the Governor in Council under *The Meat and Canned Foods Act*, and provided further that the Governor in Council may make regulations deferring the operation of this subsection in whole or in part for such period as he may prescribe, up to the first day of July, 1923;

- (g) if sold as a compound, mixture, imitation or substitute, it is not labelled in accordance with the requirements of this Act;
- (h) if the package containing it, or the label on the package, bears any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device is false or misleading in any particular; or
- (i) if the package containing it, or the label on the package, bears the name of an individual or of a company, claimed to be the manufacturer or producer of the article, which individual or company is fictitious or non-existent.

Compounds, mixtures, etc., to be labelled as such, and not to be marked "pure", "genuine", etc.

6. Every article of food which is a compound, mixture, imitation or substitute shall be plainly and correctly labelled as such; and the words "pure" or "genuine" or words equivalent to these terms, shall not be used on the labels or in connection with such articles, and such articles shall be so packed, marked or labelled as not to be likely to deceive any person with respect to their true nature.

Procuring Samples

Samples may be obtained.

7. (1) Any inspector may procure samples of food or drugs from any person who has such articles in his possession for the purpose of sale, or who sells or exposes the same for sale; and he may procure such samples either by purchasing the same or by requiring the person in whose possession they are to show him and allow him to inspect all such articles in his possession, and the place or places in which such articles are stored, and to give him samples of such articles on payment or tender of the value of such samples.

Seizure of suspected articles.

(2) An inspector may, if he has reason to believe that any article of food or drug is held or exposed or offered for sale in violation of the requirements of this Act, seize and hold such article until a sample taken by him and submitted for analysis to a Dominion analyst has been reported upon.

Examination at Customs.

(3) Any inspector when authorized thereto by the Minister shall have the right to examine any customs entries of imports of food or drugs into Canada and shall have the right to take samples of any food or drug sought to be imported into Canada and to submit such samples for analysis to a Dominion analyst for examination and report, and in any case where samples are taken hereunder such food or drug shall not be delivered to the importer or consignee until the Dominion analyst has reported upon the samples taken; and if he reports that the food or drug is adulterated or misbranded, such food or drug shall not be admitted into Canada for use as a food or drug.

Analysis

Inspector has to deal with samples.

8. (1) The inspector procuring any sample with the intention of submitting it to be analysed shall, after the transaction has been completed, forthwith notify the seller, or his agent selling the article, of his intention to submit it to a Dominion analyst for analysis, and shall, except in special cases as provided by regulations under section fifteen of this Act, divide the article into three parts

to be then and there separated and each part marked and sealed up or fastened up as its nature may permit. The inspector shall deliver one of such parts to the seller or his agent, and he shall send the other two parts to the Department for analysis.

Owner may require sample to be specially marked and fastened up.

(2) The person from whom any sample is obtained under this Act may require the inspector obtaining it to annex to the vessel or package containing the parts of the sample which he is hereby required to transmit to the Department the name and address of such person, and to secure with a seal or seals belonging to him the vessel or package containing such parts of the sample, and the address annexed thereto, in such a manner that the vessel or package cannot be opened or the name and address taken off without breaking such seals; and the certificate of the analyst shall state the name and address so annexed to the vessel or package, that the vessel or package was not open, and that the seals securing to the vessel or package the name and address of such person were not broken until such time as he opened the vessel or package, for the purpose of making his analysis, and in such case no certificate shall be receivable in evidence unless there is contained therein such statement, or a statement to like effect.

Analysis and certificate thereof.

(3) When the inspector has, by the means aforesaid, procured samples of the articles to be analysed, he shall send the same to the Department for purposes of analysis, and if it appears to the Dominion analyst that the sample is adulterated or misbranded within the meaning of this Act the Dominion analyst shall so certify, stating in such certificate whether such adulteration is, in his opinion, injurious to the health of the person consuming the same or not; and the certificate so given shall be received as evidence in any proceedings taken against any person in pursuance of this Act, subject to the right of such person to require the attendance of the Dominion analyst for the purpose of cross-examination.

Copy of certificate to be sent to owner.

(4) A copy of such certificate shall be furnished forthwith by the Department to the person from whom the sample was procured.

Appeal. Notice.

9. (1) If the person who supplied the article respecting which the certificate referred to in the last preceding section is given, deems himself aggrieved thereby, he may, within twenty days of the receipt of the copy of such certificate furnished to him, notify the Minister in writing that he intends to present evidence in his own behalf to controvert the certificate of the Dominion analyst, stating in full the nature of such evidence. In the absence of such notice the certificate of the analyst shall be taken as final.

Further investigation and analysis.

(2) Should the evidence submitted by the person above referred to be such as in the opinion of the Chief Dominion Analyst to justify further investigation, the Chief Dominion Analyst may cause the second part of the sample submitted to the Department, as provided in section eight, to be analyzed to his satisfaction, and a certificate of such analysis signed by the Chief Dominion Analyst shall be final and conclusive evidence of the facts therein set out.

Analysis may be obtained of any sample.

10. (1) Nothing contained in this Act shall be held to prevent any person from submitting any sample of food or drug for analysis to a Dominion analyst, or from prosecuting the vendor thereof if it is found to be adulterated or misbranded within the meaning of this Act.

Fees.

(2) The person submitting such sample shall at the same time deposit with the Dominion analyst the amount of the fee prescribed for such analysis; and all such money shall be deposited by the Dominion analyst to the credit of the Receiver General.

Inspectors appointed by Councils.

11. (1) The Council of any city, town, county or village, or other municipality, may appoint one or more inspectors of food or drugs, and any such inspectors may require a Dominion analyst to analyse any samples of food or drugs procured by him if such samples have been procured in accordance with the requirements of this Act.

Analysis.

(2) Such Dominion analyst shall, on payment of the prescribed fee, forthwith analyse the same and give the inspector a certificate of such analysis.

Prosecutions

(3) Such inspector may prosecute any person manufacturing, selling or offering or exposing for sale within the city, county, town or village for which he is appointed inspector any article of food or drug which has been certified by a Dominion analyst to be adulterated or misbranded within the meaning of this Act.

Special application of penalties.

(4) All penalties imposed and recovered at the suit of any such inspector shall be paid into the revenue of the city, county, town or village by the council of which such inspector was appointed, and may be used in such manner as the council of such city, county, town or village may direct.

Seizure.

12. (1) Whenever any article of food or any drug is reported by a Dominion analyst as being adulterated or misbranded within the meaning of this Act, the Department may order such article, and all other articles of the same kind which were in the same place at the time the article analysed was obtained, to be seized by an inspector and detained by him until an analysis of a sample of the whole is made.

Forfeiture.

(2) If the Dominion analyst reports to the Department that the whole or any part of such articles of food or drugs as have been submitted for analysis by the aforesaid inspector is adulterated or misbranded, the Minister may declare such articles, or so much thereof as the Dominion analyst reports to be adulterated or misbranded, to be forfeited to the Crown, and they shall be forfeited accordingly, and may be disposed of as the Minister directs.

Reports of Chief Analyst. Publication.

13. The Chief Dominion Analyst shall report from time to time to the Minister the number of articles of food and drugs analysed under this Act, and shall specify the nature and kind of adulteration detected, the nature and kind of misbranding found thereon, together with all particulars regarding the vendors and manufacturers of such articles, and the reports of the Chief Dominion Analyst shall be printed and published for the information of the public at such times and in such manner as the Minister directs.

Regulations*Regulations by Governor in Council.*

14. (1) The Governor in Council shall have power to make regulations,—
- (a) prescribing standards of quality for and fixing the limits of variabilities permissible in any article of food or drug the standard of which is not otherwise prescribed by this Act or *The Meat and Canned Foods Act*;
 - (b) requiring a label to be attached to any article of food or drug designed to prevent the public or the purchaser being deceived or misled as to the character, strength, quality or quantity of the article.

Publication.

(2) All regulations made under this section shall be published in the *Canada Gazette*.

Regulations by Minister.

15. The Governor in Council shall have power to make regulations,—

- (a) prescribing the duties of inspectors appointed under this Act;
- (b) prescribing a tariff of fees to be paid for analysing any article of food or drug;
- (c) prescribing that a portion not exceeding one-half of the fine imposed upon any person violating the provisions of this Act may be paid to any person who has given information leading to conviction in the case in question; provided that no portion of any fine shall be paid to any Dominion analyst or to any inspector or to any employee in the Department;
- (d) for carrying out the provisions of this Act;
- (e) for deferring from time to time the operation of any portion of this Act until July first, nineteen hundred and twenty-two, where deemed necessary or expedient to allow of the disposal of stocks on hand.

Penalties

Sale of adulterated or misbranded article.

16. (1) Every person who by himself or his agent or employee manufactures for sale, sells, offers for sale or exposes for sale, any article of food or any drug which is adulterated or misbranded, shall be guilty of an offence, and,—

Injurious. Penalty.

- (a) if such adulteration is deemed to be injurious to health within the meaning of this Act, shall for a first offence be liable upon summary conviction to a fine not exceeding two hundred dollars and costs, and not less than fifty dollars and costs, or to imprisonment for any term not exceeding three months, or to both fine and imprisonment, and for each subsequent offence to a fine not exceeding five hundred dollars and costs and not less than fifty dollars and costs, or to imprisonment for any term not exceeding six months; or to both fine and imprisonment; and,

Not injurious. Penalty.

- (b) if such adulteration is not deemed to be injurious to health within the meaning of this Act, or if the article is misbranded, shall for a first offence be liable upon summary conviction to a fine not exceeding one hundred dollars and costs and not less than twenty-five dollars and costs, or to imprisonment for any term not exceeding three months, and for each subsequent offence to a fine not exceeding two hundred dollars and costs and not less than fifty dollars and costs, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment.

Double penalty if offence wilful.

(2) In all cases where the adulteration is proved to have been wilful the penalties imposed by this section shall be doubled.

Want of knowledge. Discharged from prosecution but liable for costs.

17. (1) If the person accused proves to the magistrate before whom any prosecution is brought for selling, offering or exposing for sale any article of food or drug that is adulterated or misbranded, that he purchased the article in question for and as an article of the same nature, substance and quality as that demanded of him by the purchaser or inspector, and also proves that he sold it in the same state as that in which he purchased it and that he could not

with reasonable diligence have obtained knowledge of its adulteration or misbranding, he shall be discharged from such prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him or gives notice in court that he will rely on the above defence and has called or calls the party from whom he purchased the said article into the case as herein-after provided.

Calling in third party.

(2) If the person presenting such defence shall, upon his sworn declaration that he purchased the article in good faith and as provided for in the last preceding subsection, obtain a summons to call such third party into the case, the magistrate shall at the same time hear all the parties and decide upon the entire merits of the case, including the question of costs, not only as regards the person originally accused, but also as regards the third party so brought into the case.

No certiorari.

18. No conviction, judgment or order in respect of an offence against this Act shall be removed by *certiorari* into any of His Majesty's courts of record.

Voluntary payments.

19. If any sum of money within the limits of the penalties provided by this Act is voluntarily paid to and accepted by the Minister as a penalty and costs for a first offence under this Act, such sum of money may be dealt with as if lawfully recovered upon a prosecution.

Refusal of access. Penalty.

20. If after being requested to do so by an inspector any person who has in his possession or under his control any food or drug refuses or omits to show the inspector the place in which such articles are stored, or refuses or fails to admit the inspector into every such place, or refuses or omits to show the inspector all or any of such articles in his possession, or to permit the inspector to inspect the same, or to give any sample thereof, or to furnish the inspector with any light or assistance he requires for any of such purposes, he shall be guilty of an offence, and shall be liable, upon summary conviction, to a fine not exceeding two hundred dollars and costs, and not less than fifty dollars and costs, or to imprisonment for any term not exceeding three months, or to both fine and imprisonment.

Possession of materials by manufacturer usable for adulteration. Penalty.

21. Any material found in possession of a manufacturer of food or drugs, or in any of the premises occupied by him as such, and being apparently of a kind which might be employed for purposes of adulteration and for the possession of which he is unable to account to the satisfaction of an inspector, may be seized by such inspector and a sample of such material submitted for identification to a Dominion analyst. Should the Dominion analyst's certificate prove the material to be of such a kind as might be used for purposes of adulteration, the manufacturer shall be deemed wilfully to have exposed for sale adulterated food or drugs, and shall be liable, upon summary conviction, for a first offence, to a fine not exceeding two hundred dollars and costs, and not less than fifty dollars and costs, or to imprisonment for any term not exceeding three months, or to both fine and imprisonment, and for each subsequent offence to a fine not exceeding five hundred dollars and costs and not less than one hundred dollars and costs, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment, and the material in question shall be forfeited to His Majesty, and may be disposed of as the minister may direct.

False label or neglect to label. Penalty.

22. Every person who attaches to any article or package of food or drug sold or offered or exposed for sale any label or mark containing any untrue or misleading name, device or statement, or who neglects or refuses to label or mark any article or package of food or drug in accordance with the requirements of this Act, shall for a first offence be liable, upon summary conviction, to a fine

not exceeding two hundred dollars and costs and not less than fifty dollars and costs, or to imprisonment for any term not exceeding three months, or to both fine and imprisonment, and for each subsequent offence to a fine not exceeding three hundred dollars and costs and not less than fifty dollars and costs, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment.

Expenses. Deemed a portion of costs.

23. (1) Any expenses incurred in connection with procuring and analysing any food or drug, together with necessary travelling expenses of any inspector or Dominion analyst, shall, if the person from whom the sample is taken is convicted of having in his possession, selling, offering or exposing for sale any food or drug adulterated or misbranded in violation of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly.

Counsel fee.

(2) Such expenses of prosecution shall also include a reasonable counsel fee, in the discretion of the magistrate.

Costs if private prosecution dismissed.

(3) In the case of a private prosecutor, if the prosecution is dismissed as being instituted without reasonable and probable cause, the costs of defence shall be taxed against the prosecutor.

Other remedies.

24. Nothing in this Act contained shall affect the power of proceeding by indictment against any offender, or take away any other remedy against such offender.

Disposition of fees.

25. Except as herein otherwise provided, all fees paid and penalties recovered under this Act shall form part of the Consolidated Revenue Fund of Canada.

1907, c. 27; 1914, c. 45; not affected.

26. Nothing in this Act shall repeal or modify any provision of *The Meat and Canned Foods Act* or *The Fish Inspection Act*.

Repeal.

27. The Acts mentioned in the Schedule hereto are repealed.

SCHEDULE

The *Adulteration Act*, Revised Statutes of Canada, 1906, chapter one hundred and thirty-three;

Chapter four of the statutes of 1907;
Chapter four of the statutes of 1913;
Chapter nineteen of the statutes of 1914;
Chapter nine of the statutes of 1915.

1930

CHAPTER 23

AN ACT to amend the Food and Drugs Act. [Assented to 30th May, 1930.]

R.S., c. 76.

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Regulations.

1. Paragraph (g) of subsection one of section three of the *Food and Drugs Act*, chapter seventy-six of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

To allow analysts, not being members of the staff of the Department, to be designated Dominion Analysts.

“(g) For designating as Dominion Analyst any member of the technical staff appointed to the services of the Department of Pensions and National Health or, upon the request of any province, city or other municipality, any duly qualified analyst then and for such time as the said analyst shall remain so employed by the said province, city or other municipality.”

1934

CHAPTER 54

AN ACT to amend the Food and Drugs Act. [Assented to 3rd July, 1934.]
R.S., c. 76.

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Regulations by Governor in Council.

1. Subsection one of section three of the *Food and Drugs Act*, chapter seventy-six of the Revised Statutes of Canada, 1927, is amended by adding thereto the following paragraph immediately after paragraph (h) thereof:—

“(i) adding to or removing from the list contained in Schedule A hereto such abnormal physical states, disorders, diseases, or symptoms of diseases, and adding to or removing from Schedule B hereto such material, as may be deemed by the Minister to be necessary in the public interest.”

2. The said Act is further amended by adding thereto the following section immediately after section six thereof:—

Limitations upon importation and sale to general public.

“6A. No person shall import, offer for sale, or sell any remedy represented by label or by advertisement to the general public as a treatment for any of the diseases, disorders or abnormal physical states named or included in Schedule A to this Act or in any amendment to such Schedule.”

3. The said Act is further amended by adding thereto the following section immediately after section eight thereof:—

Sale, etc., of compound vinegar, etc., prohibited.

“8A. (1) Notwithstanding anything contained in the last preceding section no person shall import, manufacture, sell or offer for sale any compound vinegar, vinegar mixture, imitation vinegar or substitute for vinegar.

Inspector may seize. Offence and penalty.

(2) Any acetic acid found in the possession of a manufacturer of food products or on any of the premises occupied by him as such shall be deemed to be of a kind which might be employed for purposes of adulteration and may be seized by an inspector and such manufacturer shall be liable upon summary conviction for a first offence to a fine not exceeding two hundred dollars and costs and not less than fifty dollars and costs or to imprisonment for any term not exceeding three months, or to both fine and imprisonment and for each subsequent offence to a fine not exceeding five hundred dollars and costs and not less than one hundred dollars and costs or to imprisonment for any term not exceeding six months or to both fine and imprisonment, and the acetic acid in question shall be forfeited to His Majesty and may be disposed of as the Minister may direct.”

Schedules A and B.

4. The said Act is further amended by adding the following Schedule thereto as Schedule A and by substituting the heading "Schedule B" for the heading "Schedule" in the Schedule to the Act as it now stands:—

"SCHEDULE A

Alcoholism	Infantile Paralysis
Appendicitis	Influenza
Arteriosclerosis	Lockjaw
Blood Poisoning	Locomotor Ataxia
Bright's Disease	Obesity
Cancer	Pleurisy
Diabetes	Pneumonia
Diphtheria	Ruptures
Dropsy	Scarlet Fever
Epilepsy	Sexual Impotence
Erysipelas	Small Pox
Gallstones, Kidney Stones, Bladder Stones	Spinal Meningitis
Gangrene	Trachoma
Gastric and duodenal Ulcers.	Tuberculosis
Goitre	Tumours
Heart Diseases	Typhoid Fever
High Blood Pressure	Venereal Diseases."

Coming into force.

5. This Act shall come into force on the first day of January, 1935.

1939

CHAPTER 3

AN ACT to amend the Food and Drugs Act. [Assented to 5th April, 1939.]

R.S., c. 76; 1930, cc. 23, 30; 1934, c. 54.

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Paragraph (c) of section two of the *Food and Drugs Act*, chapter seventy-six of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

'drug'.

"(c) 'drug' includes all medicine for internal or external use for man or animal; any substance, mixture of substances and any article that may be used for the diagnosis, treatment, mitigation or prevention of disease in man or animal; any cosmetic; any material that may be used for disinfection in premises in which food is manufactured, prepared or kept or for the control of vermin in such premises;"

2. Section two of the said Act is further amended by adding the following paragraphs immediately after paragraph (i) thereof:—

'medicine'.

"(j) 'medicine' means any substance or mixture of substances that may be used in restoring, correcting or modifying organic functions;

'cosmetic'.

- (k) 'cosmetic' means any material intended to cleanse, improve or alter the complexion, skin, hair or teeth; and shall include deodorants and perfumes;

'manufacture'.

- (l) 'manufacture' means manufacture for sale."

3. Paragraph (b) of subsection one of section three of the said Act is repealed and the following substituted therefor:—

Regulations.

- "(b) respecting the packaging and labelling of any article of food or drug and the design of any such package or label with a view to preventing the public or the purchaser being deceived or misled as to the character, strength, quality or quantity of the article and requiring, notwithstanding anything contained in paragraph (f) of section seven of this Act, a declaration of net contents upon any package containing a cosmetic;"

4. Paragraph (g) of subsection one of section three of the said Act, as enacted by section one of chapter twenty-three of the statutes of 1930, is repealed and the following substituted therefor:—

Regulations.

- "(g) for designating as Dominion analyst any member of the technical staff appointed to the services of the Department of Pensions and National Health or, upon the request of any province, city or other municipality, any duly qualified analyst then and for such time as the said analyst shall remain so employed by the said province, city or other municipality, and designating any Dominion analyst as Inspector;"

5. Subsection one of section three of the said Act is further amended by adding the following paragraphs immediately after paragraph (i) thereof:—

Regulations.

- "(j) providing for the licensing of manufacturers of cosmetics, whether such manufacturers carry on business as such within or without Canada, specifying such terms and conditions as may be deemed advisable in the public interest and prescribing a tariff of fees to be paid for any such license;
- (k) prohibiting the sale or defining the conditions of sale of any substance which may be injurious to health when used as a food or drug or restricting in like manner its use as an ingredient in the manufacture of food or drug;
- (l) exempting from any requirements of this Act any drug or type of drug for which such control is deemed to be inadvisable and for removing such exemption as may be required;
- (m) respecting false, exaggerated or misleading claims for any article of food or drug."

6. Subsection two of section three of the said Act is repealed and the following substituted therefor:—

Regulations.

- "(2) All regulations made under the provisions of this Act shall be published in the *Canada Gazette*."

7. The said Act is further amended by inserting the following section immediately after section ten thereof:—

Department may require declaration by manufacturer.

"10A. The Department may order that the manufacturer of any article of food or drug shall furnish a declaration in prescribed form asserting that the article in question as manufactured by him has been made in accordance with all requirements of this Act and the regulations thereunder, and if importa-

tion is sought for any shipment of such article of food or drug, customs entry shall be refused if the shipment invoices and bills of lading are not accompanied by duly certified copies of such declaration;"

8. The said Act is further amended by inserting the following section immediately after section thirty-two thereof:—

Offence.

"32A. (1) Every person shall be guilty of an offence under this Act who advertises any food or drug in a manner which is misleading or likely to create erroneous impressions regarding its value, composition, merit or safety, either by reason of statements made or device made use of in such advertisement, or because of failure to disclose in such advertisement essential facts concerning the actual properties of such food or drug.

(2) For the purpose of subsection one of this section, responsibility for the advertisement shall rest upon the person who causes the advertisement to be issued and not upon the printer, publisher or other party who issues such advertisement in good faith."

When Act not to apply to export goods.

9. The said Act is further amended by adding immediately after section forty thereof the following headings and section:—

"PART III

"Exports

"41. The provisions of this Act shall not apply to any packaged food or drug not manufactured or sold for consumption in Canada the package whereof is marked in distinct overprinting with the word "Export" and is the subject of a certificate that the package and its contents do not contravene any known requirement of the law of the country to which it is or is about to be consigned."

Bringing into force.

10. This Act shall come into force on a date to be fixed by proclamation of the Governor in Council published in the *Canada Gazette*: provided that the Governor in Council may in the same manner and from time to time bring any portion or portions only of this Act into force.

1946

CHAPTER 23

AN ACT to amend the Food and Drugs Act. [Assented to 26th July, 1946.]

R.S., c. 76, 1930, cc. 23, 30; 1934, c. 54; 1939, c. 3.

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection one of section three of the *Food and Drugs Act*, chapter seventy-six of the Revised Statutes of Canada, 1927, as amended by section five of chapter three of the statutes of 1939, is further amended by adding thereto immediately after paragraph (k) thereof the following paragraph:

"(kk) defining the conditions of sale of any drug in the interest and for the protection of the public health;"

2. Paragraph (d) of section four of the said Act is repealed and the following substituted therefor:

"(d) if it consists in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance, whether manufactured or not, or if it is otherwise unfit for food;"

3. Section six A of the said Act, as enacted by section two of chapter fifty-four of the statutes of 1934, is repealed and the following substituted therefor:

Limitations upon importation and sale to general public.

"6A. No person shall import, offer for sale, or sell any food or drug represented by label or by advertisement to the general public as a treatment for any of the diseases, disorders or abnormal physical states named or included in Schedule A to this Act or in any amendment to such Schedule."

Repeal.

4. Part II of the said Act is repealed and Part III of the said Act, as enacted by section nine of chapter three of the statutes of 1939, is renumbered as Part II.

Consolidation of the

Food and Drugs Act

R.S.C., 1952, c. 123

and of the

Food and Drug Regulations

FOOD AND DRUGS ACT

R.S.C. 1952, c. 123

Hereunder there is reproduced the Food and Drugs Act as it has been consolidated in the Revised Statutes of Canada, 1952.

For convenience there is first set forth a list of the statutes which amend the Food and Drugs Act from the time it was previously consolidated in 1927, together with a list of the various Orders in Council which are relevant to the amendments so made, including amendments to Schedules A and B to the Act.

Chapter 76 of the Revised Statutes of Canada, 1927,

as amended by Chapters 23 and 30 of the Statutes of 1930,

by Chapter 54 of the Statutes of 1934,

by Chapter 3 of the Statutes of 1939,

as proclaimed by P.C. 1950 of 22nd July, 1939,

by P.C. 2686 of 28th June, 1946, and

by P.C. 1538 of 5th April, 1949, and

by Chapter 23 of the Statutes of 1946.

Schedule A of the Act as amended by P.C. 4730 of 20th June, 1944,

by P.C. 3462 of 9th August, 1948,

by P.C. 5642 of 8th November, 1949.

Schedule B of the Act as amended by P.C. 96 of the 10th January, 1944,

by P.C. 3308 of 4th May, 1944,

by P.C. 5754 of 28th August, 1945,

by P.C. 2498 of 3rd July, 1947,

by P.C. 1537 of 5th April, 1949,

by P.C. 3483 of 13th July, 1949,

by P.C. 5643 of 8th November, 1949, and

by P.C. 3445 of 4th July, 1952.

In the consolidation of the various amending Acts, as above listed, some consequential renumbering of sections was required. In the text of the Food and Drugs Act which is set forth hereunder, the numbering of the sections is that given in the Revised Statutes of Canada, 1952, and not as they appeared in the Office Consolidation of the Act nor as mentioned in the various amending Acts.

For convenience in relating the sections as renumbered to references in jurisprudence or elsewhere, there is set forth immediately before the reproduction of the text of the Act a Table of Comparison in which the section numbers of the Act as it has been consolidated in 1952 are identified with the corresponding section numbers of the Act before such consolidation.

The marginal note references which are the same in both consolidations are shown in the center of the page between the section numbers. There were certain amendments made to Section 3 in 1939 which, as will be seen, were never brought into force. These portions, however, are shown in the 1952 Consolidation even though they are not in force. The portions in question are suitably identified by explanation.

The Act before consolidation will, therefore, be referred to as "R.S.C. 1927, as amended" and the 1952 Consolidation will be referred to as "R.S.C. 1952". The section references which have been made in the book to the Food and Drugs Act are, of course, to the 1952 Consolidation.

Table of Comparison

R.S.C. 1952	Marginal Note References	R.S.C. 1927, as amended
Section 1.	Short title.	Section 1.
2.	Definitions.	2.
3.	Regulations by Governor in Council.	3.
	(a)	(a)
	(b)	(b)
	(c)	(c)
	(d)	(d)
	(e)	(e)
	(f)	(f)
	(g)	(g)
	(h)	(i)
	(i) (Never proclaimed.)	(j) (Never proclaimed.)
	(j)	(k)
	(k)	(kk)
	(l)	(l)
	(m)	(m)
	(n)	(h)
(2)		(3)
(3)	(This refers to the portion of Section 3 which was amended in 1939 but which has not been brought into force.)	No counterpart.
4.	Food, when deemed to be adulterated.	4.
5.	Milk.	5.
6.	Drug, when deemed to be adulterated.	6.
7.	Limitations upon importation and sale to general public.	6A.
8.	Food and drugs when deemed to be misbranded.	7.
9.	Compounds, mixtures, etc., to be labelled as such.	8.
10.	Sale, etc., of compound vinegar, etc., prohibited.	8A.
11.	Samples may be obtained.	9.
12.	Examination at Customs.	10.
13.	Department may require declaration by manufacturer.	10A.
14.	Inspector has to deal with samples.	11.
15.	Owner may require sample to be specially marked and fastened up.	12.
16.	Analysis.	13.
17.	Appeal. Notice.	14.

R.S.C. 1952	Marginal Note References	R.S.C. 1927, as amended
Section 18.	Further investigation and analysis.	Section 15.
19.	Analysis may be obtained of any sample.	16.
20.	Inspectors appointed by Councils.	17.
21.	Analysis.	18.
22.	Prosecutions.	19.
23.	Special application of penalties.	20.
24.	Seizure.	21.
25.	Reports of Chief Analyst.	22.
26.	Sale of adulterated or misbranded article.	23.
27.	Want of knowledge. Discharged from prosecution but liable for costs.	24.
28.	No certiorari.	25.
29.	Voluntary payments.	26.
30.	Refusal of access. Penalty.	27.
31.	Interference with goods seized.	28.
32.	Storage of seized articles.	29.
33.	Possession of materials by manufacturer usable for adulteration.	30.
34.	Distribution of samples.	31.
35.	False label or neglect to label. Penalty.	32.
36.	Offence.	32A.
37.	Penalty for unprovided cases.	33.
38.	Expenses. Deemed a portion of costs.	34.
39.	Other remedies.	35.
40.	Disposition of fees.	36.
41.	Certain acts not affected.	37.
42.	Exports.	41.

(Sections 38-40 were repealed by Chapter 23 of the Statutes of 1946.)

AN ACT respecting Food and Drugs. R.S.C. 1952, c. 123.

Short Title

Short title.

1. This Act may be cited as the Food and Drugs Act. R.S., c. 76, s. 1.

Interpretation

Definitions.

2. In this Act,

"Department."

- (a) "Department" means the Department of the Government under which or in connection with which this Act is administered;

"Dominion Analyst."

- (b) "Dominion Analyst" means any analyst designated for the purposes of this Act and includes the Chief Dominion Analyst and the Assistant Chief Dominion Analyst;

"Drug."

- (c) "drug" includes all medicine for internal or external use for man or animal; any substance, mixture of substances and any article that may be used for the diagnosis, treatment, mitigation or prevention of disease in man or animal; any cosmetic; any material that may be used for disinfection in premises in which food is manufactured, prepared or kept or for the control of vermin in such premises;

"Food."

- (d) "food" includes every article used for food or drink by man, and every ingredient intended for mixing with the food or drink of man for any purpose whatever;

"Inspector."

- (e) "inspector" means any person duly appointed for the purpose of carrying out the provisions of this Act;

"Magistrate."

- (f) "magistrate" includes any judge of the sessions of the peace, recorder, police magistrate, two justices of the peace or any magistrate or court having the power or authority of two or more justices of the peace;

"Minister."

- (g) "Minister" means the Minister charged with the administration of this Act;

"Package."

- (h) "package" includes any box, bottle, basket, tin, barrel, case, receptacle, sack, bag, wrapper or other thing in which any article is placed or packed;

"Sample."

- (i) "sample" means a sample of any food or drug taken under the provisions of this Act or of any regulation;

"Medicine."

- (j) "medicine" means any substance or mixture of substances that may be used in restoring, correcting or modifying organic functions;

"Cosmetic."

- (k) "cosmetic" means any material intended to cleanse, improve or alter the complexion, skin, hair or teeth; and shall include deodorants and perfumes;

"Manufacture."

- (l) "manufacture" means manufacture for sale. R.S., c. 76, s. 2; 1939, c. 3, ss. 1, 2.
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PART I

Regulations

3. (1) The Governor in Council may make regulations

Regulations by Governor in Council.

- (a) prescribing standards of quality for and fixing the limits of variabilities permissible in any article of food or drug the standard of which is not otherwise prescribed by this Act or the Meat and Canned Foods Act;
 - (b) respecting the packaging and labelling of any article of food or drug and the design of any such package or label with a view to preventing the public or the purchaser being deceived or misled as to the character, strength, quality or quantity of the article *and requiring, notwithstanding anything in paragraph (f) of Section 8, a declaration of net contents upon any package containing a cosmetic;*
[The portion set in italic has not been brought into force.]
 - (c) **prescribing the duties of inspectors;**
 - (d) prescribing a tariff of fees to be paid for analysing any article of food or drug;
 - (e) prescribing that a portion not exceeding one-half of the fine imposed upon any person violating the provisions of this Act may be paid to any person who has given information leading to conviction in the case in question, but no portion of any fine shall be paid to any Dominion analyst or to any inspector or to any employee in the Department;
 - (f) for the disposal of import shipments of food or drugs refused entry under section 12;
 - (g) for designating as Dominion analyst ~~any~~ member of the technical staff appointed to the services of the Department of National Health and Welfare or, upon the request of any province, city or other municipality, any duly qualified analyst then and for such time as the said analyst shall remain so employed by the said province, city or other municipality, and designating any Dominion analyst as Inspector;
 - (h) adding to or removing from the list contained in Schedule A such abnormal physical states, disorders, diseases or symptoms of diseases, and adding to or removing from Schedule B such material as may be deemed by the Minister to be necessary in the public interest;
 - (i) providing for the licensing of manufacturers of cosmetics, whether such manufacturers carry on business as such within or without Canada, specifying such terms and conditions as may be deemed advisable in the public interest and prescribing a tariff of fees to be paid for any such license;
[This sub-paragraph has not been brought into force.]
 - (j) prohibiting the sale or defining the conditions of sale of any substance that may be injurious to health when used as a food or drug or restricting in like manner its use as an ingredient in the manufacture of food or drug;
 - (k) defining the conditions of sale of any drug in the interest and for the **protection of the public health;**
 - (l) exempting from any requirements of this Act any drug or type of drug for which such control is deemed to be inadvisable and for removing such exemption as may be required;
 - (m) respecting false, exaggerated or misleading claims for any article of food or drug; and
 - (n) **for carrying out the provisions of this Act.**
- (2) Regulations made under any of the provisions of this Act shall have the same force and effect as if embodied in this Act.
- (3) The part of paragraph (b) of subsection (1) that applies to cosmetics, and paragraph (i) of subsection (1) shall come into force on a day to be fixed by proclamation of the Governor in Council. R.S., c. 76, s. 3; 1934, c. 54, s. 1; 1939, c. 3, ss. 3, 4, 5, 10; 1945, c. 7, s. 1; 1946, c. 23, s. 1.

Adulteration

Food, when deemed to be adulterated.

4. Food shall be deemed to be adulterated within the meaning of this Act if
 - (a) any substance has been mixed with it so as to reduce or lower or injuriously affect its quality or strength;
 - (b) any inferior or cheaper substance has been substituted wholly or in part for the article;
 - (c) any valuable constituent of the article has been wholly or in part abstracted;
 - (d) it consists in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance, whether manufactured or not, or it is otherwise unfit for food;
 - (e) it is obtained from a diseased animal, or from an animal fed upon unwholesome food;
 - (f) it contains any added poisonous ingredient, or any ingredient that may render it injurious to the health of the person consuming it, whether added with intent or otherwise; or
 - (g) its strength or purity falls below the standard, or its constituents are present in quantity not within the limits of variability fixed by the Governor in Council as hereinafter provided. R.S.; c. 76, s. 4; 1946, c. 23, s. 2.

Milk.

5. Any adulteration of milk shall be deemed to be injurious to health.

Drug, when deemed to be adulterated.

6. (1) Every drug shall be deemed to be adulterated within the meaning of this Act if its strength, quality or purity falls below the professed standard under which it is sold; or if, when offered or exposed for sale under or by a name,

Recognized standards.

- (a) recognized in the latest edition of the British Pharmacopoeia,
 - (b) recognized in the latest edition of any foreign pharmacopoeia, or
 - (c) that is not recognized in any pharmacopoeia but is found in some generally recognized standard work on *materia medica* or drugs;
- it differs from the standard of strength, quality or purity laid down therein.

British standard to prevail if authority not named.

- (2) Unless a drug is sold in such manner as plainly to indicate that its quality is to be judged by an authority other than the British Pharmacopoeia, and such authority is named, it shall be deemed to be adulterated unless it conforms to the standard of strength, quality and purity for such drug as defined by the latest edition of the British Pharmacopoeia.

Regulations.

- (3) Notwithstanding subsections (1) and (2), the Governor in Council may make regulations respecting any or all of the drugs mentioned or described in Schedule B,

- (a) prescribing standards of quality and potency;
 - (b) defining official methods for biological testing, which methods shall permit manufacturers to have biological tests made in any laboratory;
 - (c) providing for the licensing of manufacturers preparing drugs mentioned or described in Parts II and III of Schedule B;
 - (d) providing for the inspection of premises, equipment and technical qualifications of the staff of manufacturers preparing drugs mentioned or described in Parts II and III of Schedule B;
 - (e) requiring that manufacturers of drugs mentioned or described in Part IV of Schedule B submit test portions of each and every batch of such drugs to be tested in the laboratories of the Department of National Health and Welfare, and requiring that only approved batches may be imported, sold or offered for sale; and

- (f) prescribing a tariff of fees for inspection, licensing and biological testing.

Drugs deemed to be adulterated.

(4) Any drug mentioned or described in Schedule B shall be deemed to be adulterated if it has not been manufactured, tested and labelled in accordance with regulations made by the Governor in Council under this section, or if it differs in quality or potency from the standard for such drug established by such regulations. R.S., c. 76, s. 6; 1945, c. 7, s. 1.

Limitations upon importation and sale to general public.

7. No person shall import, offer for sale, or sell any food or drug represented by label or by advertisement to the general public as a treatment for any of the diseases, disorders or abnormal physical states named or included in Schedule A or in any amendment to such Schedule. 1946, c. 23, s. 3.

Misbranding

Food, when deemed to be misbranded.

8. Food or drug shall be deemed to be misbranded within the meaning of this Act if

- (a) it is an imitation of, or substitute for, or resembles in a manner likely to deceive, another article of food or drug under the name of which it is sold or offered or exposed for sale and is not plainly and conspicuously labelled so as to indicate its true character;
- (b) it is stated to be the product of a place or a country of which it is not truly a product;
- (c) it is sold or offered for sale by a name that belongs to another article;
- (d) it is so coloured or coated, powdered or polished that damage is concealed, or it is made to appear better or of greater value than it really is;
- (e) false or exaggerated claims are made for it upon the label or otherwise;

When in package form.

- (f) in package form, sealed by or put up by the manufacturer or producer, and bearing his name and address, the contents of each package are not conspicuously and correctly stated within limits of variability to be fixed by regulations as in this Act provided, in terms of weight, measure or number, upon the outside of the package: except that this paragraph does not apply to packages the weight of which including the package and contents is under two ounces, and nothing in this section shall be taken to require the statement of weight, measure or number upon containers or packages of standard size as provided by orders of the Governor in Council under the Meat and Canned Foods Act;

Not labelled.

- (g) it is not labelled in accordance with the requirements of this Act;

Deceptive marks or designs.

- (h) the package containing it, or the label on the package, bears any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device is false or misleading in any particular, or the package is deceptive with respect to design, construction or fill; or
- (i) the package containing it, or the label on the package, bears the name of an individual or of a company, claimed to be the manufacturer or producer of the article, which individual or company is fictitious or non-existent. R.S., c. 76, s. 7.

Compounds, mixtures, etc., to be labelled as such.

9. (1) Every article of food that is a compound, mixture, imitation or substitute shall be plainly and correctly labelled as such.

Not to be marked "pure," etc.

(2) The words "pure" or "genuine" or words equivalent to these terms shall not be used on the labels or in connection with such articles.

To be packed so as not to deceive.

(3) Such articles shall be so packed, marked or labelled as not to be likely to deceive any person with respect to their true nature. R.S., c. 76, s. 2.

Sale, etc., of compound vinegar, etc., prohibited

10. (1) Notwithstanding Section 9, no person shall import, manufacture, sell or offer for sale any compound vinegar, vinegar mixture, imitation vinegar or substitute for vinegars.

Inspector may seize. Offence and penalty.

(2) Any acetic acid found in the possession of a manufacturer of food products or on any of the premises occupied by him as such shall be deemed to be of a kind that might be employed for purposes of adulteration and may be seized by an inspector, and such manufacturer is liable upon summary conviction for a first offence to a fine not exceeding two hundred dollars and costs and not less than fifty dollars and costs or to imprisonment for any term not exceeding three months, or to both fine and imprisonment and for each subsequent offence to a fine not exceeding five hundred dollars and costs and not less than one hundred dollars and costs or to imprisonment for any term not exceeding six months or to both fine and imprisonment, and the acetic acid in question shall be forfeited to Her Majesty and may be disposed of as the Minister may direct. 1934, c. 54, s. 3.

Procuring Samples

Samples may be obtained.

11. (1) Any inspector may procure samples of food or drugs from any person who has such articles in his possession for the purpose of sale, or who sells or exposes the same for sale.

Method.

(2) Such inspector may procure such samples either by purchasing the same or by requiring the person in whose possession they are to show him and allow him to inspect all such articles in his possession, and the place or places in which such articles are stored, and to give him samples of such articles on payment or tender of the value of such samples.

Seizure of suspected articles.

(3) An inspector may, if he has reason to believe that any article of food or drug is held or exposed or offered for sale in violation of the requirements of this Act, seize and hold such article until a sample taken by him and submitted for analysis to the Dominion analyst has been reported upon and thereafter until the inspector has given an order for its disposal. R.S., c. 76, s. 9.

Examination at Customs.

12. (1) Any inspector when authorized thereto by the Minister has the right to examine any customs entries of imports of food or drugs into Canada and to take samples of any food or drug sought to be imported into Canada and to submit such samples for analysis to a Dominion analyst for examination and report.

Dominion Analyst to report on samples taken.

(2) In any case where samples are taken such food or drug shall not be delivered to the importer or consignee until the Dominion analyst has reported upon the samples taken.

If adulterated or misbranded, food or drug not to be admitted.

(3) If he reports that the food or drug is adulterated or misbranded, such food or drug shall not be admitted into Canada for use as a food or drug. R.S., c. 76, s. 10.

Department may require declaration by manufacturer.

13. The Department may order that the manufacturer of any article of food or drug shall furnish a declaration in prescribed form asserting that the article in question as manufactured by him has been made in accordance with all requirements of this Act and the regulations, and if importation is sought for any shipment of such article of food or drug, customs entry shall be refused if the shipment invoices and bills of lading are not accompanied by duly certified copies of such declaration, 1939, c. 3, s. 7.

Analysis*Inspector has to deal with samples.*

14. The inspector procuring any sample with the intention of submitting it to be analysed shall,

Notify the seller.

- (a) after the transaction has been completed, forthwith notify the seller, or his agent selling the article, of his intention to submit it to a Dominion analyst for analysis,

Divide the article into three parts.

- (b) except in special cases as provided by the regulations, divide the article into three parts to be then and there separated and each part marked and sealed up or fastened up as its nature may permit,

Inspector to deliver parts.

- (c) deliver one of such parts to the seller or his agent, and send the other two parts to the Department for analysis. R.S., c. 76, s. 11.

Owner may require sample to be specially marked and fastened up.

15. (1) The person from whom any sample is obtained under this Act may require the inspector obtaining it

- (a) to annex to the vessel or package containing the parts of the sample that he is hereby required to transmit to the Department the name and address of such person, and
- (b) to secure with a seal or seals belonging to him the vessel or package containing such parts of the sample, and the address annexed thereto, in such manner that the vessel or package cannot be opened or the name and address taken off without breaking such seal or seals.

- (2) The certificate of the analyst shall state

Certificate of Analyst to state name and address, etc.

- (a) the name and address so annexed to the vessel or package,
- (b) that the vessel or package was not open, and
- (c) that the seal or seals securing to the vessel or package the name and address of such person were not broken until such time as he opened the vessel or package, for the purpose of making his analysis.

Evidence.

(3) No such certificate is receivable in evidence unless there is contained therein such statement, or a statement to like effect. R.S., c. 76, s. 12.

Analysis.

16. (1) When the inspector has, by the means aforesaid, procured samples of the articles to be analysed, he shall send the same to the Department for purposes of analysis.

Certificate of analysis.

(2) If it appears to the Dominion analyst that the sample is adulterated, or misbranded within the meaning of this Act the Dominion analyst shall so certify, stating in such certificate whether such adulteration is, in his opinion, injurious to the health of the person consuming the same or not.

Certificate to be evidence in any proceedings.

(3) The certificate so given shall be received as evidence in any proceedings taken against any person in pursuance of this Act, subject to the right of such person to require the attendance of the Dominion analyst for the purpose of cross-examination.

Copy of certificate to be sent to owner.

(4) A copy of such certificate shall be furnished forthwith by the Department to the person from whom the sample was procured. R.S., c. 76, s. 13.

Appeal. Notice.

17. (1) If the person who supplied the article respecting which the certificate referred to in Section 16 is given, deems himself aggrieved thereby, he may, within twenty days of the receipt of the copy of such certificate furnished to him, notify the Minister in writing that he intends to present evidence in his own behalf to controvert the certificate of the Dominion analyst, stating in full the nature of such evidence.

Certificate to be final.

(2) In the absence of such notice the certificate of the analyst shall be taken as final. R.S., c. 76, s. 14.

Further investigation and analysis.

18. (1) Should the evidence submitted by the person referred to in Section 17 be such as in the opinion of the Chief Dominion Analyst to justify further investigation, the Chief Dominion Analyst may cause the second part of the sample submitted to the Department, as hereinbefore provided, to be analysed to his satisfaction.

Certificate of C.D.A. to be conclusive evidence.

(2) A certificate of such analysis signed by the Chief Dominion Analyst is final and conclusive evidence of the facts therein set out. R.S., c. 76, s. 15.

Analysis may be obtained of any sample.

19. (1) Nothing contained in this Act shall be held to prevent any person from submitting any sample of food or drug for analysis to a Dominion analyst, or from prosecuting the vendor thereof if it is found to be adulterated or misbranded within the meaning of this Act.

Fees.

(2) The person submitting such sample shall at the same time deposit with the Dominion analyst the amount of the fee prescribed for such analysis.

Fees to be deposited.

(3) All such money shall be deposited by the Dominion analyst to the credit of the Receiver General. R.S., c. 76, s. 16.

Inspectors appointed by Councils.

20. (1) The council of any city, town, county or village or other municipality, may appoint one or more inspectors of food or drugs.

Inspector may require samples to be analysed.

(2) Any such inspector may require a Dominion analyst to analyse any samples of food or drugs procured by him if such samples have been procured in accordance with the requirements of this Act. R.S., c. 76, s. 17.

Analysis.

21. Such Dominion analyst shall, on payment of the prescribed fee, forthwith analyse the same and give the inspector a certificate of such analysis. R.S., c. 76, s. 18.

Prosecutions.

22. Such inspector may prosecute any person manufacturing, selling or offering or exposing for sale within the city, county, town or village for which

he is appointed inspector any article of food or drug that has been certified by a Dominion analyst to be adulterated or misbranded within the meaning of this Act. R.S., c. 76, s. 19.

Special application of penalties.

23. All penalties imposed and recovered at the suit of any such inspector shall be paid into the revenue of the city, county, town or village by the council of which such inspector was appointed, and may be used in such manner as the council of such city, county, town or village may direct. R.S., c. 76, s. 20.

Seizure.

24. (1) Whenever any article of food or any drug is reported by a Dominion analyst as being adulterated or misbranded within the meaning of this Act, the Minister may order such article, and all other articles of the same kind that were in the same place at the time the article analysed was obtained, to be seized by an inspector and detained by him until an analysis of the sample of the whole is made, and thereafter until the inspector has given an order for its disposal.

Forfeiture.

(2) If the Dominion analyst reports to the Minister that the whole or any part of such articles of food or drugs as have been submitted for analysis by the aforesaid inspector is adulterated or misbranded, the Minister may declare such articles, or so much thereof as the Dominion analyst reports to be adulterated or misbranded, to be forfeited to the Crown, and they shall be forfeited accordingly, and may be disposed of as the Minister directs. R.S., c. 76, s. 21.

Reports of Chief Analyst.

25. (1) The Chief Dominion Analyst shall report from time to time to the Minister the number of articles of food and drugs analysed under this Act, and shall specify the nature and kind of adulteration detected, the nature and kind of misbranding found thereon, together with all particulars regarding the vendors and manufacturers of such articles.

Publication.

(2) The reports of the Chief Dominion Analyst shall be printed and published for the information of the public at such times and in such manner as the Minister directs. R.S., c. 76, s. 22.

Penalties

Sale of adulterated or misbranded article.

26. (1) Every person who by himself or his agent or employee manufactures for sale, sells, offers for sale or exposes for sale, any article of food or any drug that is adulterated or misbranded, is guilty of an offence, and

Injurious. Penalty.

- (a) if such adulteration is deemed to be injurious to health within the meaning of this Act, is for a first offence liable upon summary conviction to a fine not exceeding two hundred dollars and costs, and not less than fifty dollars and costs, or to imprisonment for any term not exceeding three months, or to both fine and imprisonment, and for each subsequent offence to a fine not exceeding five hundred dollars and costs and not less than fifty dollars and costs, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment; and

Not injurious. Penalty.

- (b) if such adulteration is not deemed to be injurious to health within the meaning of this Act, or if the article is misbranded, for a first offence is liable upon summary conviction to a fine not exceeding one hundred dollars and costs and not less than twenty-five dollars and costs, or to imprisonment for any term not exceeding three months, and for each subsequent offence to a fine not exceeding two hundred

dollars and costs and not less than fifty dollars and costs, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment.

Double penalty if offence wilful.

(2) In all cases where the adulteration is proved to have been wilful the penalties imposed by this section shall be doubled. R.S., c. 76, s. 23.

Want of knowledge. Discharged from prosecution but liable for costs.

27. (1) Where the person accused proves to the magistrate before whom any prosecution is brought for selling, offering or exposing for sale any article of food or drug that is adulterated or misbranded,

(a) that he purchased the article in question for and as an article of the same nature, substance and quality as that demanded of him by the purchaser or inspector,

(b) that he sold it in the same state as that in which he purchased it, and

(c) that he could not with reasonable diligence have obtained knowledge of its adulteration or misbranding,

he shall be discharged from such prosecution, but he is liable to pay the costs incurred by the prosecutor, unless he has given due notice to him or gives notice in court that he will rely on the above defence and has called or calls the party from whom he purchased the said article into the case as hereinafter provided.

Defence by purchaser in good faith. Complaint against third party.

(2) Where, as provided in subsection (1), the person presenting such defence submits a sworn declaration that he purchased the article in good faith, he or the prosecutor shall lay information against such third party, and the magistrate shall at the same time hear all the parties and decide upon the entire merits of the case, including the question of costs, not only as regards the person originally accused, but also as regards the third party so brought into the case. R.S., c. 76, s. 24.

No certiorari.

28. No conviction, judgment or order in respect of an offence against this Act shall be removed by *certiorari* into any of Her Majesty's courts of record. R.S., c. 76, s. 25.

Voluntary payments.

29. If any sum of money within the limits of the penalties provided by this Act is voluntarily paid to and accepted by the Minister as a penalty and costs for a first offence under this Act, such sum of money may be dealt with as if lawfully recovered upon a prosecution. R.S., c. 76, s. 26.

Refusal of access. Penalty.

30. Where, after being requested to do so by an inspector, any person who has in his possession or under his control any food or drug refuses or omits

(a) to show the inspector the place in which such articles are stored;

(b) to admit the inspector into every such place;

(c) to show the inspector all or any of such articles in his possession;

(d) to permit the inspector to inspect the same;

(e) to give any sample thereof; or

(f) to furnish the inspector with any light or assistance he requires for any of such purposes;

he is guilty of an offence, and is liable, upon summary conviction, to a fine not exceeding two hundred dollars and costs, and not less than fifty dollars and costs, or to imprisonment for any term not exceeding three months, or to both fine and imprisonment. R.S., c. 76, s. 27.

Interference with goods seized.

31. Every person who removes, alters or interferes in any way with any goods seized under this Act without an inspector's order for disposal shall be deemed guilty of an offence under this Act. R.S., c. 76, s. 28.

Storage of seized articles.

32. Any article seized under this Act may at the option of the inspector be kept or stored in the building or place where it was seized or such article may, by the direction of the inspector, be removed to any other place. R.S., c. 76, s. 29.

Possession of materials by manufacturer usable for adulteration.

33. (1) Any material found in possession of a manufacturer of food or drugs, or in any of the premises occupied by him as such, and being apparently of a kind that might be employed for purposes of adulteration and for the possession of which he is unable to account to the satisfaction of an inspector, may be seized by such inspector and a sample of such material submitted for identification to a Dominion analyst.

Should material prove to be usable for adulteration. Penalty. Material forfeited.

(2) Should the Dominion analyst's certificate prove the material to be of such a kind as might be used for purposes of adulteration, the manufacturer shall be deemed wilfully to have exposed for sale adulterated food or drugs, and is liable, upon summary conviction, for a first offence, to a fine not exceeding two hundred dollars and costs, and not less than fifty dollars and costs, or to imprisonment for any term not exceeding three months, or to both fine and imprisonment, and for each subsequent offence to a fine not exceeding five hundred dollars and costs and not less than one hundred dollars and costs, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment, and the material in question shall be forfeited to Her Majesty, and may be disposed of as the Minister may direct. R.S., c. 76, s. 30.

Distribution of samples.

34. No person shall distribute, cause or permit to be distributed from door to door or in a public place or on a public highway or through the mail, any sample of any drug, but this section does not prevent manufacturers or wholesale dealers from distributing samples by mail or otherwise in compliance with individual requests for them, or from distributing samples to physicians, veterinary surgeons, dentists, registered nurses, hospitals, or to retail druggists for individual redistribution to adults only. R.S., c. 76, s. 31.

False label or neglect to label. Penalty.

35. Every person who

- (a) attaches to any article or package of food or drug sold or offered or exposed for sale any label or mark containing any untrue or misleading name, device, or statement; or
- (b) neglects or refuses to label or mark any article or package of food or drug in accordance with the requirements of this Act;

is for a first offence liable, upon summary conviction, to a fine not exceeding two hundred dollars and costs and not less than fifty dollars and costs, or to imprisonment for any term not exceeding three months, or to both fine and imprisonment, and for each subsequent offence to a fine not exceeding three hundred dollars and costs and not less than fifty dollars and costs, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment. R.S., c. 76, s. 32.

Offence.

36. (1) Every person is guilty of an offence under this Act who advertises any food or drug in a manner that is misleading or likely to create erroneous impressions regarding its value, composition, merit or safety, either by reason of statements made or device made use of in such advertisement, or because of failure to disclose in such advertisement essential facts concerning the actual properties of such food or drug.

(2) For the purpose of subsection (1), responsibility for the advertisement rests upon the person who causes the advertisement to be issued and not upon the printer, publisher or other party who issues such advertisement in good faith. 1939, c. 3, s. 8.

Penalty for unprovided cases.

37. Any person failing to observe any requirement of this Act for which a specific penalty has not been provided shall for a first or subsequent offence incur in each case the penalty provided in section 30. R.S., c. 76, s. 33.

Expenses. Deemed a portion of costs.

38. (1) Any expenses incurred in connection with procuring and analysing any food or drug, together with necessary travelling expenses of any inspector or Dominion analyst, shall, if the person from whom the sample is taken is convicted of having in his possession, selling, offering or exposing for sale any food or drug adulterated or misbranded in violation of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly.

Counsel fee.

(2) Such expenses of prosecution shall also include a reasonable counsel fee, in the discretion of the magistrate.

Costs if private prosecution dismissed.

(3) In the case of a private prosecutor, if the prosecution is dismissed as being instituted without reasonable and probable cause, the costs of defense shall be taxed against the prosecutor. R.S., c. 76, s. 34.

Other remedies.

39. Nothing in this Act affects the power of proceeding by indictment against any offender, or takes away any other remedy against such offender. R.S., c. 76, s. 35.

Disposition of fees.

40. Except as herein otherwise provided, all fees paid and penalties recovered under this Act shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 76, s. 36.

Certain acts not affected.

41. Nothing in this Act repeals or modifies any provision of the Meat and Canned Foods Act or the Fish Inspection Act. R.S., c. 76, s. 37.

PART II

Exports

42. The provisions of this Act do not apply to any packaged food or drug not manufactured or sold for consumption in Canada the package whereof is marked in distinct overprinting with the word "Export" and is the subject of a certificate that the package and its contents do not contravene any known requirement of the law of the country to which it is or is about to be consigned. 1939, c. 3, s. 9.

SCHEDULE A

Alcoholism	Gangrene
Appendicitis	Goitre
Arteriosclerosis	Heart Diseases
Blood Poisoning	High Blood Pressure
Bright's Disease	Infantile Paralysis
Cancer	Influenza
Diabetes	Lockjaw
Diphtheria	Locomotor Ataxia
Disorders of menstrual flow	Obesity
Disorders of the prostatic gland	Pleurisy
Dropsy	Pneumonia
Epilepsy	Ruptures
Erysipelas	Scarlet Fever
Gallstones, Kidney Stones, Bladder Stones	Sexual Impotence

Small Pox
Spinal Meningitis
Trachoma
Tuberculosis

Tumours
Typhoid Fever
Ulcers of the gastro-intestinal tract
Venereal Diseases

Order in Council, P.C. 5642, Nov. 8, 1949.

SCHEDULE B

Part I

Hormones, including sex hormones, and preparations thereof; any animal tissue preparation, or any synthetic drug, purporting to have physiological action similar to that of a hormone; drugs containing any of the foregoing.

Part II

Drugs of natural or synthetic origin that are not hypodermic tablets, that purport to be sterile, and that are intended for parenteral use including application to open wounds, alone or with added solvent, diluent, preservative, or other substance. Radioactive isotopes for oral, topical and parenteral use.

Part III

Drugs prepared from micro-organisms or viruses; toxins; sera; anti-biotics; analogous preparations.

Part IV

Organic compounds of arsenic and analogous preparations prepared for parenteral use.

Part V

Amaranth
Amaranth, Concentrated Solution
Anhydrous Ephedrine
Aqueous Solution of Iodine
Arsenical Solution
Arsphenamine
Brilliant Blue FCF
Calamine
Calamine Lotion
Cassia Oil
Coconut Oil
Corn Oil
Cyclopropane
Dichlorophenarsine Hydrochloride
Digitalis
Digitoxin
Digoxin
Dilute Phosphoric Acid
Dried Thyroid
Epinephrine
Epinephrine Hydrochloride Solution
Gelatin
Halibut Liver Oil
Injection of Digitalis
Injection of Digitoxin
Injection of Digoxin
Injection of Lanatoside C

Injection of Ouabain
Injection of Strophanthin
Lanatoside C
Liniment of Camphor
Magnesium Sulphate
Neoarsphenamine
Nitrous Oxide
Ouabain
Oxophenarsine Hydrochloride
Phosphoric Acid
Pituitary Extract (Posterior Lobe)
Ponceau 3R
Powdered Digitalis
Sodium Phosphate
Sodium Sulphate
Spirit of Nitrous Ether
Strong Solution of Iodine
Strophanthin
Strophanthus
Sulpharsphenamine
Sulphathiazole Sodium
Tartrazine
Tetracaine Hydrochloride
Tincture of Digitalis
Tincture of Strophanthus
Weak Solution of Iodine
Zinc Sulphate

Order in Council, P.C. 5643, Nov. 8, 1949.

FOOD AND DRUG REGULATIONS

Made by Order in Council P.C. 5670 of 8th November, 1949 as amended by P.C. 233 of 20th January, 1950.

- by P.C. 951 of 23rd February, 1950,
- by P.C. 2084 of 25th April, 1950,
- by P.C. 3001 of 20th June, 1950,
- by P.C. 6225 of 28th December, 1950,
- by P.C. 4663 of 5th September, 1951,
- by P.C. 6255 of 20th November, 1951,
- by P.C. 343 of 23rd January, 1952,
- by P.C. 1866 of 31st March, 1952,
- by P.C. 3456 of 30th June, 1952,
- by P.C. 3572 of 15th July, 1952

PART A

Division 1

General

- A.01.001.** These regulations may be cited as The Food and Drug Regulations.
- A.01.002.** Where applicable the provisions of these regulations prescribe the standards of quality for and fix the limits of variabilities permissible in the food or drug to which they refer.
- A.01.003.** In these regulations the term "cubic centimetre" and its abbreviation "cc." shall be deemed to be interchangeable with the term "millilitre" and its abbreviation "ml."
- A.01.004.** When not otherwise provided in these regulations names of foods or drugs printed in bold-face type shall, where applicable, be deemed to be the common names or the proper names of the foods and the drugs to which they refer.

Division 2

Interpretation

In these regulations

- A.02.001.** "Act" means the Food and Drugs Act;
- A.02.002.** "Department" means the Department of National Health and Welfare;
- A.02.003.** "Food and Drug Laboratories" means the laboratories of the Food and Drug divisions of the Department;
- A.02.004.** "Laboratory of Hygiene" means the Laboratory of Hygiene of the Department;
- A.02.005.** "advertisement" means any representation by any means whatsoever for the purpose of promoting directly or indirectly the sale or disposal of any food or drug;
- A.02.006.** "common name"¹ means the name in English or French by which any food or drug is generally known;
- A.02.007.** "proper name"² of a drug means the unabbreviated name in English or French
 - (a) assigned in Appendix III to these regulations,
 - (b) that appears in bold-face type in these regulations,
 - (c) specified in the Canadian licence in the case of drugs included in PART II or PART III of SCHEDULE B of the Act that are manufactured under licence, or
 - (d) assigned in any generally recognized standard work on *materia medica* or drugs in the case of drugs not included in sub-paragraphs (a), (b), or (c) of this section.

¹ See B.01.003, and C.01.003.

² See C.01.003, and C.01.006.

- A.02.008. "compound"³ means any article of food containing a predominating ingredient for which the compound is named, and includes "mixture";
- A.02.009. "label" means any legend or mark included in, belonging to, or accompanying a package of food or drug;
- A.02.010. "inner label" means the label on or affixed to the immediate container;
- A.02.011. "outer label" means the label on or affixed to the outside of the package;
- A.02.012. "inspection officer" means any member of the technical staff of the Department designated by the Deputy Minister to carry out any inspection under the provisions of paragraph (d) of subsection three of section six of the Act;
- A.02.013. "lot number"⁴ means any combination of letters, or figures, or both, by which any food or drug can be traced in manufacture or distribution;
- A.02.014. "manufacturer"⁵ means a person who, under his own name, or under a trade, design or word mark, trade name or other name, word or mark controlled by him, sells a food or a drug to the general public or to a wholesaler, jobber, or other distributor, for resale to the general public, and includes a firm, partnership, or corporation;
- A.02.015. "official drug" means any drug mentioned or described in these regulations, in any pharmacopoeia, or in some generally recognized standard work on *materia medica* or drugs;
- A.02.016. "prescription" means an order given by a practitioner directing that a stated amount of any drug or mixture of drugs specified therein be dispensed for the person named in such order.
- A.02.017. "internal use" means ingestion by mouth, or application to any part of the body in which the drug comes into contact with mucous membrane;
- A.02.018. "parenteral use" means administration of a drug by means of a hypodermic syringe, needle, or other surgical instrument, through or into the skin;
- A.02.019. "sell" means sell, offer for sale, expose for sale, advertise for sale, manufacture for sale, and have in possession for sale.
- A.02.020. "practitioner" means a person authorized by the law of a province of Canada to treat patients with any drug named or included in Appendix IV and Appendix V to these regulations.

Division 3

Dominion Analysts

- A.03.001. All designations as Dominion analysts prior to the coming into force of these regulations are hereby revoked and the members of the technical staff appointed to the services of the Department who are named in Appendix 1⁶ to these regulations are hereby designated as Dominion analysts

Division 4

Duties of Inspectors

(Note: For a list of Inspectors, see page 205)

- A.04.001. Inspectors shall perform the functions and duties, and carry out the responsibilities, prescribed by the Act, the regulations, and the Minister.
- A.04.002. The authority of an inspector extends to and includes the whole of Canada.
- A.04.003. Without limiting the means of proof of the appointment or authority of an inspector, as provided by any statute or law, the production of a certificate of such appointment, signed by the Deputy Minister and bearing the seal of the Department, shall *prima facie* be accepted as evidence thereof.

³ See B.01.006.

⁴ The lot number should be preceded by the words "Lot Number", or by "Lot No.", "Lot", or "(L)".

⁵ See C.03.001(c) and C.04.001(d).

⁶ See Appendix I.

(Note: Each Inspector carries an identification card that will be shown on request)

- A.04.004.** Where authorized by regulation pursuant to the Canadian Broadcasting Act inspectors shall act as representatives of the Canadian Broadcasting Corporation for the purpose of enforcing the regulations thereof in respect to the advertising of foods and of drugs.

Division 5

Disposal of Import Shipments

- A.05.001.** An inspector shall examine customs entries of any shipment of food or drug sought to be imported into Canada and take samples of such as he has reason to believe may be, or may be used, in violation of the Act or these regulations and detain, pending examination of such sample, such articles as are included in such shipment.
- A.05.002.** When any sample of any food or drug is taken as prescribed by A.05.001, the inspector shall forthwith submit such sample to a Dominion analyst for examination and report.
- A.05.003.** The inspector shall send a report to the Collector of Customs wherever any food or drug is refused entry under subsection three of section ten of the Act, and a copy of notice of the refusal of entry to the importer at the address shown on the shipment.
- A.05.004.** Where the shipment of food or drug is the subject of examination under the provisions of A.05.002 and is refused entry pursuant to section ten of the Act, such shipment, unless exported within three months from the date of refusal of entry, shall be forfeited to the Crown and shall be disposed of as the Minister may direct.
- A.05.005.** Notwithstanding the provisions of A.05.004 any shipment of food or drug that is refused entry pursuant to section ten of the Act may be released from customs bond to the importer upon such importer complying with written conditions as may be specified in the report of the Dominion analyst who made the examination, and where within a period specified therein the shipment does not comply with the said conditions it shall be exported, and if not exported it shall be forfeited to the Crown and shall be disposed of as the Minister may direct; provided that the Minister may extend the time for meeting the said conditions or for exporting the said shipment, as the case may be.

Division 6

Sampling

- A.06.001.** When, under the provisions of section eleven of the Act, an inspector procures a sample consisting of a single package of food or drug which he divides into three parts he shall forward that part bearing the label to the Dominion analyst, and if a wrapper is used such wrapper shall be attached to the part of the sample so forwarded.
- A.06.002.** Where the division of any sample taken under the provisions of section eleven of the Act would interfere with analysis, such sample shall not be divided into three parts.

Division 7

Tariff of Fees

- A.07.001.** The cost of analysing any sample under the provisions of the Act is five dollars for each qualitative test, and ten dollars for each quantitative determination, the total cost in no case to exceed forty dollars.
- A.07.002.** The cost of analysing any sample for a department of government for the purpose of legal action is ten dollars.
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PART B

FOODS

Division 1

General

B.01.001. No person shall sell a package of food that is not labelled.

B.01.002. The provisions of B.01.001 do not apply to a person who packages food from bulk on the premises where the food is retailed; but where any such package of food bears any statement, mark, or device regarding the ingredients or the substances contained therein other than

- (a) the name of the food,
- (b) the name and address of the retailer, and
- (c) the net contents,

it shall be labelled as required by the Act and these regulations.

B.01.003. Subject to these regulations no person shall sell any food unless the label of every package thereof carries, legibly and conspicuously,

- (a) on the main panel of both the inner and the outer labels
 - (i) the common name of the food,¹
 - (ii) a declaration by name of Class II, Class III, and Class IV preservative,²
 - (iii) a declaration of any added colour,³ and
 - (iv) a declaration of added artificial, imitation, or fortified flavouring preparation,⁴ and
- (b) on both the inner and the outer labels
 - (i) the name and address of the manufacturer, or of a person who is not the manufacturer provided such person can assume and does so assume the responsibilities of the manufacturer and indicates in conjunction with his name and address that he is not the manufacturer, and
 - (ii) in a food consisting of more than one ingredient, and for which a standard of quality is not prescribed and for which the permissible limits of variability are not fixed, a complete list of ingredients by their common names and, unless the quantity of each ingredient is stated in terms of percentage or proportionate composition, the list of ingredients shall be given in descending order of their respective proportions,⁵ and
- (c) on the outer label a statement of the net contents as required by paragraph (f) of section seven of the Act, and, when the net contents are expressed by number, an accompanying statement of the net weight of the unit making up the number, except in the case of a food that is graded as to size and such grade size is stated.

B.01.004. Notwithstanding the provisions of sub-paragraph (ii) of paragraph (b) of B.01.003 a list of ingredients shall not be required for

bakery products,
carbonated beverages,
confectionery,
flavouring preparations,
gelatine desserts,
non-nutritive seasoning sauces, and
preparations of coal tar colours,
unless any ingredient

- (a) not included in the common name of the food,
 - (b) not used to distinguish the food, or
 - (c) not required by these regulations to be declared,
- is mentioned on the label or otherwise.

¹ See A.02.006.

² See B.16.001.

³ See B.06.002.

⁴ See B.10.002 and B.10.003.

⁵ See B.01.004.

- B.01.005.** Except where the quantity of the contents marked on a package of food is stated in terms of minimum weight, measure, or number there shall be permitted from the stated quantity variations
- (a) due exclusively to weighing, measuring, or counting that occur in packaging conducted in compliance with good commercial practice and that shall be as often as much above as below the marked quantity,
 - (b) due exclusively to differences in the capacity of containers, resulting solely from unavoidable difficulties in manufacturing, and no greater variation shall be permitted because of the design of the containers than is permitted in the case of containers of similar capacity that can be manufactured so as to be of approximately uniform capacity, and
 - (c) in weight or measure that unavoidably result from the ordinary and customary exposure of the package to evaporation or to the absorption of water under normal atmospheric conditions.
- B.01.006.** No person shall sell a food as a compound unless⁶
- (a) the word *compound* or the word *mixture* is an integral part of the name of such food and is not less legible or conspicuous upon any label or in any such advertisement than the name of the predominating ingredient for which the compound is named, and
 - (b) both the inner and the outer labels of every package of such food, except a compound flavouring preparation, carry, legibly and conspicuously,
 - (i) a declaration of the percentage proportion of the predominating ingredient, which proportion shall not be less than fifty-one per cent by weight, and
 - (ii) the names of the other ingredients.
- B.01.007.** No person shall sell a food as a substitute, or the like, unless
- (a) the word *substitute*, or the like, is an integral part of the name of such food and is not, upon any label or in any advertisement, less legible or conspicuous than the name of the food being substituted, and
 - (b) both the inner and the outer labels of every package of such food except imitation flavouring preparations carry, legibly and conspicuously, the common names of all the ingredients in descending order of their proportionate content.
- B.01.008.** No person shall sell as a food any mineral oil, paraffin, or any product of these.
- B.01.009.** No person shall sell a food containing mineral oil, paraffin, or any product of these except that where any of these is required in the production of a food, and its use cannot be avoided by good manufacturing practice, such food may contain any of these in an amount not greater than 0.3 per cent.
- B.01.010.** No person shall make any reference, direct or indirect, to the Act or to these regulations upon any label of, or in any advertisement for, a food.
- B.01.011.** Where, on the label or otherwise, use is made of any term referring to any article of food, which term is the subject of definition or meaning established by any statute of the Parliament of Canada, or regulation made thereunder, such use shall be deemed to be a false, exaggerated, or misleading claim unless it conforms with such definition or meaning.
- B.01.012.** The provisions of B.01.009 shall not apply to chewing gum containing a paraffin base.

⁶ See A.02.008 and B.10.009.

Division 2

Alcoholic Beverages

B.02.001. The foods referred to in this Division are included in the term *alcoholic beverage*.

B.02.002. In this Division

- (a) "alcohol" means ethyl alcohol,
- (b) "absolute alcohol" means alcohol of a strength of 100 cent,
- (c) "malt-wine" means an alcoholic distillate obtained by pot-still distillation from a mash of cereal grain or cereal grain products saccharified by the diastase of malt and fermented by the action of yeast,
- (d) "grain spirit" means an alcoholic distillate, obtained from a mash of cereal grain or cereal grain products saccharified by the diastase of malt or by other natural enzyme and fermented by the action of yeast, and from which all or nearly all of the naturally occurring substances other than alcohol and water have been removed,
- (e) "molasses spirit" means an alcoholic distillate, obtained from sugar-cane by-products fermented by the action of yeast, and from which all or nearly all of the naturally occurring substances other than alcohol and water have been removed,
- (f) "age" means the period during which an alcoholic beverage is kept under such conditions of storage as may be necessary to render it potable or to develop its characteristic flavour or bouquet,
- (g) "flavouring"⁷ means other domestic or imported spirits or wine as permitted by regulations made under the authority of the Excise Act,
- (h) "peat-dried malt" means barley malt that has been kilned over fires of peat with or without admixture of other fuels,
- (i) "small wood" means wood casks or barrels of a capacity not greater than 150 gallons.

B.02.003. Nothing in this Division exempts any alcoholic beverage from the provisions of the Excise Act and regulations thereunder.

B.02.004. No person shall sell a distilled alcoholic beverage that contains less than 39.94 per cent by volume of absolute alcohol unless the main panel of both the inner and the outer labels thereof carries, legibly and conspicuously, a declaration of the actual percentage by volume of absolute alcohol contained in such distilled alcoholic beverage.

B.02.005. Subject to these regulations, no person shall sell for consumption in Canada, whisky, rum or brandy until two years after date of its distillation.

Whisky

B.02.010. Whisky shall be a potable alcoholic distillate, obtained from a mash of cereal grain or cereal grain products saccharified by the diastase of malt or other natural enzyme fermented by the action of yeast, with or without the addition of flavouring, or caramel.⁸

B.02.011. No person shall sell whisky for consumption in Canada that has not been aged, and held for a period of not less than 2 years in small wood.

B.02.012. Notwithstanding the provisions of B.02.011, for a period of 2 years from the first day of May, 1949, but not after, a person may sell, as meeting the requirements thereof, whisky that has not been held in small wood as therein required.

B.02.013. No person shall make any claim for the age of whisky other than for the period during which the whisky has been stored in small wood, but in the case of whisky that has been aged in small wood for not less than 2 years any period not exceeding 6 months during which the whisky is held in other containers may be claimed as age.

⁷ Note: this "flavouring" is not a flavouring preparation as defined in B.10.001.

⁸ See B.06.004.

- B.02.014.** Malt whisky derived from peat-dried malt shall be whisky, obtained by the pot-still distillation of a mash of peat-dried malt fermented by the action of yeast, or a mixture of such whiskies, and shall possess the aroma, taste, and character generally attributed to malt whisky from peat-dried malt.
- B.02.015.** Malt whisky derived from other than peat-dried malt shall be whisky, obtained by the pot-still distillation of a mash consisting substantially of barley malt fermented by the action of yeast, or a mixture of such whiskies.
- B.02.016.** Grain whisky shall be whisky that has been distilled in such a manner as to retain some of the volatile congeneric substances produced during fermentation.
- B.02.017. Scotch Whisky** shall be whisky distilled in Great Britain as Scotch whisky in accordance with the laws of Great Britain for consumption therein.
- B.02.018.** No person shall blend or modify in any manner any Scotch whisky that is imported in bulk for the purpose of bottling and sale in Canada as Scotch whisky except by
- (a) blending with other Scotch whisky,
 - (b) the addition of distilled or otherwise purified water to adjust required strength, or
 - (c) the addition of caramel.⁹
- B.02.019. Irish Whisky** shall be whisky distilled in Northern Ireland or Eire as Irish whisky in accordance with the laws of Northern Ireland or Eire for consumption therein.
- B.02.020.** No person shall blend or modify in any manner any Irish whisky that is imported in bulk for the purpose of bottling and sale in Canada as Irish whisky except by
- (a) blending with other Irish whisky,
 - (b) the addition of distilled or otherwise purified water to adjust to required strength, or
 - (c) the addition of caramel.⁹
- B.02.021. Canadian Whisky (Canadian Rye Whisky, Rye Whisky)** shall be whisky distilled in Canada, and shall possess the aroma, taste, and character generally attributed to Canadian whisky.
- B.02.022.** Notwithstanding the provisions of B.02.021 any whisky in bond in Canada on the first day of May, 1949, that, except for the requirements as to distillation in Canada, complies with the provisions of B.02.021 shall, for a period of two years therefrom, be deemed to meet the requirements thereof.
- B.02.023. Highland Whisky** shall be whisky manufactured and blended in Canada and shall consist of a blend of
- (a) malt whisky from peat-dried malt that has been distilled in Canada or in Scotland, and
 - (b) grain whisky
- and shall contain not less than 25 per cent of such malt whisky at proof and if 51 per cent or more of the malt whisky so used is distilled in Scotland, the label of or advertisement for the Highland whisky may include a statement to the effect that it contains malt whisky distilled in Scotland.

Rum

- B.02.030. Rum** shall be a potable alcoholic distillate obtained from sugar-cane products fermented by the action of yeast or a mixture of yeast and other organisms, or a mixture of such distillates, with or without caramel,⁹ and may be flavoured with fruit or other botanical substances or flavouring.
- B.02.031.** No person shall sell for consumption in Canada rum that has not been aged, and held for a period of not less than 2 years in small wood.

⁹ See B.06.004.

B.02.032. Notwithstanding the provisions of B.02.005, until September 1, 1950, but not after, a person may sell as meeting the requirements thereof rum that was distilled less than two years previously as therein required, and notwithstanding the provisions of B.02.031, until the first day of May, 1952, but not after, a person may sell as meeting the requirements thereof rum that has not been held in small wood as therein required.

B.02.033. No person shall make any claim for the age of rum other than for the period during which the rum has been stored in small wood, but in the case of rum that has been aged in small wood for not less than 2 years any period not exceeding 6 months during which the rum is held in other containers may be claimed as age.

B.02.034. No person shall blend or modify in any manner any rum that is imported in bulk for the purpose of bottling and sale in Canada as imported rum except by

- (a) blending with other imported rum,
- (b) the addition of distilled or otherwise purified water to adjust to required strength, or
- (c) the addition of caramel.¹⁰

Gin

4. By revoking sections B.02.040 and B.02.041 and by substituting therefor the following new sections B.02.040 and B.02.041:

B.02.040. Hollands (Geneva, Genever, Dutch-type Gin) shall be the potable alcoholic beverage obtained by

- (a) the redistillation of malt-wine with or over juniper berries with or without other aromatic botanical substances, or a combination of such redistillations, and that may be labelled or advertised as being *distilled*,
- (b) the redistillation of a combination of malt-wine and not more than four times its volume at proof of grain spirit with or over juniper berries with or without other aromatic botanical substances, or a combination of such redistillations, and that may be labelled or advertised as being *distilled*, or
- (c) the blending of malt-wine, distilled with or over juniper berries with or without other aromatic botanical substances, and not more than four times its volume at proof of grain or molasses spirit, or a combination of such blendings, and that shall be labelled and advertised, legibly and conspicuously, as *blended gin*.

B.02.041. Gin, other than Hollands (Geneva, Genever, Dutch-type Gin) shall be the product obtained by the redistillation of suitably rectified grain spirit with or over juniper berries with or without other aromatic botanical substances, and with or without sugar.

B.02.042. Dry Gin shall be gin to which no sugar has been added.

B.02.043. No person shall make any claim for age for gin but gin that has been held in suitable containers may bear a label declaration to that effect.

Brandy

B.02.050. Brandy shall be the potable alcoholic distillate obtained by the distillation of wine in the manufacture of which no additional sugar has been used, or a mixture of such distillates.

B.02.051. No person shall sell brandy for consumption in Canada that has not been aged, and held for a period of not less than two years in small wood.

B.02.052. Notwithstanding the provisions of B.02.051, for a period of 2 years from the first day of May, 1949, but not after, a person may sell, as meeting the requirements thereof, brandy that has not been held in small wood as therein required.

B.02.053. No person shall make any claim for the age of brandy other than for the period during which it has been held in small wood.

¹⁰ See B.06.004.

- B.02.054.** Brandy shall be manufactured in accordance with the laws of the country of origin for consumption in that country and the label thereof shall clearly indicate such country of origin.
- B.02.055. Cognac Brandy (Cognac)** shall be brandy manufactured in the Cognac district of France in accordance with the laws of the French Republic for consumption in that country.
- B.02.056. Armagnac Brandy (Armagnac)** shall be brandy manufactured in the Armagnac district of France in accordance with the laws of the French Republic for consumption in that country.
- B.02.057. Fruit Brandy, (naming the fruit) Brandy** shall be a potable alcoholic distillate obtained by the distillation of
- (a) fruit wine or a mixture of fruit wines,
 - (b) a mixture of wine and fruit wine, or
 - (c) a fermented mash of sound ripe fruit or mixture of fruits,
- or a mixture of such distillates.
- B.02.058.** No person shall blend or modify in any manner any brandy that is imported in bulk for the purpose of bottling and sale in Canada as imported brandy except by
- (a) blending with other imported brandy,
 - (b) the addition of distilled or otherwise purified water to adjust to required strength, or
 - (c) the addition of caramel.¹¹

Liqueurs and Cordials

- B.02.060.** Liqueurs and alcoholic cordials shall be products obtained by the mixing or distillation of grain spirit, brandy, or other distilled spirits with or over fruits, flowers, leaves or other botanical substances or their juices, or with extracts derived by infusion, percolation, or maceration of such botanical substances with or without natural or fortified flavouring preparation¹² and colour, to which sucrose, or dextrose, or both have been added in an amount not less than 2.5 per cent by weight of the finished product.

Wine

- B.02.100. Wine** shall be the product of the alcoholic fermentation of the juice of the grape to which, during the course of manufacture, may be added one or more of
- (a) yeast,
 - (b) concentrated grape juice,
 - (c) sugar, dextrose, or invert sugar, or aqueous solutions of any of these,
 - (d) yeast foods,
 - (e) calcium sulphate in such quantity that the content of soluble sulphates in the finished wine shall not exceed 0.2 per cent, weight by volume, calculated as potassium sulphate,
 - (f) calcium carbonate in such quantity that the content of tartaric acid in the finished wine shall not be less than 0.15 per cent, weight by volume,
 - (g) sulphurous acid including salts thereof in such quantity that its content in the finished wine shall not exceed
 - (i) 70 parts per million in the free state, or
 - (ii) 350 parts per million in the combined state, calculated as sulphur dioxide,
 - (h) tartaric or citric acid,
 - (i) pectic enzymes,
 - (j) fining agent being isinglass, gelatin, white of egg, casein, albumen, clay, tannin, or edible dried blood that is the subject of a certificate under the Meat and Canned Foods Act,

¹¹ See B.06.004.

¹² See B.10.001.

(k) caramel,¹³

(l) brandy, or wine spirit, or

(m) carbon dioxide.

B.02.101. No person shall sell wine that contains more than 0.13 per cent, weight by volume, of volatile acid, calculated as acetic acid, as determined by the method employed by the Food and Drug Laboratories.

B.02.102. Wine spirit shall be the alcoholic distillate obtained from wine or from grape pomace.

B.02.103. Fruit Wine, (naming the fruit) Wine shall be the product of the alcoholic fermentation of the juice of sound ripe fruit other than grape.

B.02.104. Vermouth shall be wine to which has been added bitters, aromatics or other botanical substances, or flavouring preparations, and with or without

(a) caramel,¹³

(b) sugar, dextrose, or invert sugar, or

(c) brandy, or wine spirit

and shall contain not more than 20 per cent of absolute alcohol by volume.

B.02.105. Wine Cocktail shall be wine to which has been added flavouring preparation, and with or without

(a) caramel,¹³

(b) sugar, dextrose, or invert sugar, or

(c) brandy, or wine spirit

and shall contain not more than 20 per cent of absolute alcohol by volume.

Cider

B.02.120. Cider shall be the product of the alcoholic fermentation of apple juice, or of apple juice to which has been added not more than 10 per cent, weight by volume, of sugar, dextrose, or invert sugar, and shall contain not more than 7 per cent of absolute alcohol by volume, and 100 millilitres of cider measured at a temperature of 20° C shall

(a) contain not less than 2 grams and not more than 12 grams of total solids,

(b) contain not more than 8 grams of sugar calculated as reducing sugars, and

(c) yield not less than 0.2 gram and not more than 0.4 gram of cider ash.

B.02.121. Sparkling Cider shall be cider that is impregnated with carbon dioxide under pressure by

(a) conducting the afterpart of the fermentation in closed vessels, or

(b) secondary fermentation in closed vessels.

B.02.122. Champagne Cider shall be cider that is impregnated with carbon dioxide under pressure by

(a) conducting the afterpart of the fermentation in closed vessels, or

(b) secondary fermentation in closed vessels with or without the addition of sugar, dextrose, or invert sugar,

and shall contain not less than 7 per cent and not more than 13 per cent of absolute alcohol by volume and 100 millilitres of champagne cider measured at a temperature of 20° C shall yield not less than 0.2 gram and not more than 0.4 gram of cider ash.

B.02.123. No person shall sell cider or champagne cider that has more than 0.2 per cent, weight by volume, of volatile acidity, calculated as acetic acid, as determined by the method employed by the Food and Drug Laboratories.

¹³ See B.06.004.

Malt Liquors

- B.02.130.** Malt liquor shall be the alcoholic beverage made by the alcoholic fermentation of an infusion, in potable water, of barley malt and hops that may also contain other malted cereal grain and starchy or saccharine matter, and with or without subsequent pasteurization.
- B.02.131.** Ale shall be malt liquor brewed in such a manner as to possess the aroma, taste, and character commonly attributed to ale, and shall contain not less than 3.2 per cent of absolute alcohol by weight, and 100 millilitres of ale measured at a temperature of 20° C shall contain not less than 3.5 grams of extractive matter and yield not less than 0.12 gram of ash.
- B.02.132.** Beer shall be malt liquor brewed in such a manner as to possess the aroma, taste, and character commonly attributed to beer, and shall contain not less than 3.2 per cent of absolute alcohol by weight, and 100 millilitres of beer measured at a temperature of 20° C shall contain not less than 3.5 grams of extractive matter and yield not less than 0.12 gram of ash.
- B.02.133.** Light beer shall be beer that contains not more than 2.0 per cent of absolute alcohol by weight, and 100 millilitres of light beer measured at a temperature of 20° C may yield less than 0.12 gram of ash.
- B.02.134.** Stout shall be malt liquor brewed in such a manner as to possess the aroma, taste, and character commonly attributed to stout and to a marked degree the flavour of hops, and shall contain not less than 3.2 per cent of absolute alcohol by weight, and 100 millilitres of stout measured at a temperature of 20° C shall contain not less than 5.0 grams of extractive matter and yield not less than 0.15 gram of ash.
- B.02.135.** Porter shall be malt liquor brewed in the manner used in the brewing of stout so as to possess the aroma, taste, and character commonly attributed to porter but having in comparison with stout a less marked flavour of hops, and shall contain not less than 3.2 per cent of absolute alcohol by weight, and 100 millilitres of porter measured at a temperature of 20° C shall contain not less than 4.0 grams of extractive matter and yield not less than 0.13 gram of ash.

Division 3*Baking Powder*

- B.03.001.** Baking Powder means a combination capable, under conditions of baking, of yielding carbon dioxide, and consists of sodium bicarbonate, an acid-reacting material, and starch or other neutral material.
- B.03.002.** The acid-reacting material of baking powder shall be
- (a) tartaric acid or its salts, or both,
 - (b) acid salts of phosphoric acids,
 - (c) acid compounds of aluminum, or
 - (d) any combination of the foregoing.
- B.03.003.** When tested by the method employed by the Food and Drug Laboratories, baking powder shall yield not less than 10 per cent of its weight of carbon dioxide.
- B.03.004.** Cream of Tartar is the acid salt obtained from the crude tartar deposited during the fermentation of grape juice, and shall contain not less than 88 per cent of potassium bitartrate.

Division 4*Cacao Products*

- B.04.001.** The foods referred to in this DIVISION are included within the term *cacao product*.
- B.04.002.** Cacao products may be processed with alkaline oxides, carbonates, or bicarbonates.
- B.04.003.** No person shall sell a cacao product that is processed with alkaline oxides, carbonates, or bicarbonates unless

- (a) both the inner and the outer labels of every package of such cacao product carry, legibly and conspicuously, immediately preceding or following the name of the cacao product, and without intervening written, printed, or graphic matter, the phrase "Processed with Alkali", or the phrase "Alkali Treated"; and
- (b) the total weight of such processing agents used with each one hundred parts by weight of such cacao product is not greater in neutralizing value, calculated from the respective combining weights of such processing agents, than the neutralizing value of three parts by weight of potassium carbonate.

B.04.004. The ash limits provided for cacao products in this Division may be increased for cacao products processed with alkali as provided in B.04.003 by the amount of ash from the processing agent used.

B.04.005. No person shall sell a cacao product to which spices, other flavouring material, or emulsifier have been added unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a declaration of the additions.

B.04.006. Cacao Beans (Cocoa Beans) are the seeds of *Theobroma cacao* L., or closely related species.

B.04.007. Cacao Nibs (Cocoa Nibs, Cracked Cocoa) shall be the food prepared by heating and cracking dried or cured and cleaned cacao beans and removing the shell therefrom.

B.04.008. Chocolate (Plain Chocolate, Bitter Chocolate, Chocolate Liquor) shall be the mass obtained by grinding cacao nibs, and shall contain not less than 50 per cent of cacao butter, and on the dry and fat-free basis not more than

- (a) 7 per cent of crude fibre,
- (b) 8 per cent of total ash, and
- (c) 0.4 per cent of ash insoluble in hydrochloric acid.

B.04.009. Sweet Chocolate (Sweet Chocolate Coating) shall be chocolate mixed with sugar or with a combination of not less than 75 per cent by weight of sugar and not more than 25 per cent by weight of dextrose, and with or without the addition of cacao butter, spices, other flavouring material, or of not more than 0.5 per cent by weight, of the finished product, of emulsifier; and shall contain on the dry, sugar-free, and fat-free basis no greater proportion of crude fibre, total ash, or ash insoluble in hydrochloric acid respectively than does chocolate on the dry, fat-free basis.

B.04.010. Milk Chocolate (Sweet Milk Chocolate, Milk Chocolate Coating, Sweet Milk Chocolate Coating) shall be the cacao product obtained from chocolate by grinding with sugar or with a combination of not less than 75 per cent by weight of sugar and not more than 25 per cent by weight of dextrose, and with or without the addition of cacao butter, spices, other flavouring material, or of not more than 0.5 per cent by weight, of the finished product, of emulsifier, and shall contain in the finished product not less than 12 per cent of milk solids which shall be in proportions that are normal to whole milk.

B.04.011. Cocoa (Powdered Cocoa) shall be chocolate from which part of the cacao butter has been removed, and shall contain on the dry, fat-free basis no greater proportion of crude fibre, total ash, or ash insoluble in hydrochloric acid respectively than does chocolate on the dry, fat-free basis, and where cocoa contains

- (a) 22 per cent or more of cacao butter it may be designated **Breakfast Cocoa**, and
- (b) less than 10 per cent of cacao butter it shall be designated **Low Fat Cocoa**.

Division 5

Coffee

B.05.001. Green Coffee (Raw Coffee, Unroasted Coffee) is the seed of *Coffea arabica*, L., *C. liberica* Hiern, or *C. robusta* Chev., freed from all but a small portion of its spermoderm.

B.05.002. Roasted Coffee (Coffee) shall be roasted green coffee, and shall contain

- (a) not less than 10 per cent of fat,
- (b) not more than 1 per cent of sugars, and
- (c) not more than 6 per cent of total ash.

B.05.003. Decaffeinated Coffee shall be coffee from which a large proportion of the caffeine has been removed.

B.05.004. No person shall sell decaffeinated coffee unless

- (a) the percentage removal of caffeine is clearly stated upon the label, and
- (b) the finished product contains no ingredient other than those normally present in coffee.

Division 6

Food Colours

B.06.001. In this DIVISION

- (a) "pure dye" means the coal tar dye contained in a coal tar colour exclusive of any impurity or diluent;
- (b) "diluent" means any substance other than pure dye present in a coal tar colour, mixture, or preparation;
- (c) "mixture" means a mixture of two or more coal tar colours or a mixture of one or more coal tar colours with one or more diluents;
- (d) "preparation" means a preparation of one or more coal tar colours containing less than fifteen per cent of pure dye and sold for household use in containers of two ounces net or less.

B.06.002. No person shall sell for use in or upon food any colour other than the following:

- (a) natural colours, being cochineal, vegetable colours and vegetable colour extractives,
- (b) caramel,
- (c) specially purified charcoals and carbon blacks,
- (d) coal tar colours named or included in B.06.021 to B.06.038.

B.06.003. No person shall sell a food having in or upon it any added colour other than the following:

- (a) natural colours, being cochineal, vegetable colours and vegetable colour extractives,
- (b) caramel,
- (c) specially purified charcoals and carbon blacks,
- (d) coal tar colours named or included in B.06.021 to B.06.038.

B.06.004. No person shall sell a food other than a coal tar colour having in or upon it an added coal tar colour named or included in B.06.021 to B.06.038, if the proportion thereof exceeds one part by weight of coal tar colour to each thirty-five hundred parts by weight of food.

B.06.005. Notwithstanding the provisions of sub-paragraph (iii) of paragraph (a) of B.01.003 colour may be used without label declaration in or upon

butter,
cheese,
honey ice cream,
ice cream,
sherbet,
bakery products,

smoked fish,
icing sugar,
gelatine desserts,
candy, and
liqueurs and alcoholic cordials.

- B.06.006.** Notwithstanding the provisions of sub-paragraph (iii) of paragraph (a) of B.01.003 caramel may be used without label declaration to colour
spirituous liquors except gin,
wine,
non-excisable fermented beverages,
soft drinks,
sauces, and
vinegar, except spirit vinegar or blends containing spirit vinegar.
- B.06.007.** No person shall sell a colour for use in or upon food that contains more than
(a) 4 parts per million of arsenic, calculated as arsenic trioxide,
(b) 10 parts per million of lead, calculated as lead, or
(c) 100 parts per million of heavy metals other than lead calculated as the total of the respective metals
as determined by the methods employed by the Food and Drug Laboratories.
- B.06.008.** No person shall sell a coal tar colour for use in or upon food unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,
(a) the lot number of the coal tar colour, and
(b) the words "Food Colour".
- B.06.009.** No person shall sell a mixture for use in or upon food unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,
(a) the lot number of the mixture, and
(b) the words "Food Colour".
- B.06.010.** No person shall sell a preparation for use in or upon food unless
(a) the lot number of the coal tar colour contained in the preparation or an identifying code number that shall be allotted by the manufacturer and filed with the Food and Drug Divisions, Ottawa, is declared on the invoice accompanying the shipment to the retailer, and
(b) both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the words "Food Colour Preparation".
- B.06.011.** No person shall import or sell a coal tar colour for use in or upon food unless it has been certified by the Food and Drug Divisions, or is the subject of a certificate acceptable to the Minister, that each lot meets the requirements of B.06.007 and B.06.021 to B.06.038.
- B.06.012.** No person shall import or sell a mixture or preparation for use in or upon food unless it has been certified by the Food and Drug Divisions, or is the subject of a certificate acceptable to the Minister that the coal tar colour contained therein meets the requirements of B.06.007 and B.06.021 to B.06.038 or unless the coal tar colour has been the subject of a previous certificate and unless the diluent meets the requirements of B.06.007.

Coal Tar Colours

- B.06.021.** Amarant is the trisodium salt of 1-(4-sulpho-1-naphthylazo)-2-naphthol-3, 6-disulphonic acid, and shall contain by weight not less than 75 per cent of pure dye and not more than
(a) 0.5 per cent of water insoluble matter,
(b) 0.4 per cent of combined ether extracts,
(c) 1.0 per cent of mixed oxides, and
(d) 4.0 per cent of subsidiary dyes, calculated as Fast Red E.
- B.06.022.** Ponceau 3R is the disodium salt of 1-pseudocumylazo-2-naphthol-3, 6-disulphonic acid, and shall contain by weight not less than 83 per cent of pure dye and not more than

- (a) 0.5 per cent of water insoluble matter,
 - (b) 0.4 per cent of combined ether extracts,
 - (c) 0.2 per cent of pseudo-cumidine,
 - (d) 1.0 per cent of mixed oxides, and
 - (e) 5.0 per cent of lower sulphonated dyes,
- and the boiling range of the pseudo-cumidine obtained by reduction of the dye shall be between 220° C and 245° C.

B.06.023. Erythrosine is the disodium salt of 9-*o*-carboxyphenyl-6-hydroxy-2, 4, 5, 7-tetraiodo-3-isoxanthone, and shall contain by weight not less than 83 per cent of pure dye and not more than

- (a) 0.4 per cent of water insoluble matter,
- (b) 0.2 per cent of combined ether extracts, and
- (c) 1.0 per cent of mixed oxides,

and the organically combined iodine in the anhydrous pure dye shall be, by weight, not less than 56.8 per cent and not more than 58.5 per cent.

B.06.024. Ponceau SX is the disodium salt of 2-(5-sulpho-2, 4-xylylazo)-1-naphthol-4-sulphonic acid, and shall contain by weight not less than 80 per cent of pure dye and not more than

- (a) 0.5 per cent of water insoluble matter,
- (b) 0.4 per cent of combined ether extracts,
- (c) 1.0 per cent of mixed oxides, and
- (d) 5.0 per cent of subsidiary dyes.

B.06.025. Oil Red XO is 1-xylylazo-2-naphthol, and shall contain by weight not less than 99 per cent of pure dye and not more than

- (a) 0.5 per cent of water soluble matter,
- (b) 0.5 per cent of carbon tetrachloride insoluble matter,
- (c) 0.1 per cent of xylidine,
- (d) 0.05 per cent of β -naphthol,
- (e) 0.3 per cent of sulphated ash, and
- (f) 30 per cent of *m*-xylidine in the xylidine obtained by reduction of the dye,

and the boiling range of 95 per cent of the xylidine obtained by reduction of the dye shall be between 212° C and 232° C.

B.06.026. Orange I is the monosodium salt of 4-*p*-sulphophenylazo-1-naphthol, and shall contain by weight not less than 85 per cent of pure dye and not more than

- (a) 0.5 per cent of water insoluble matter,
- (b) 0.4 per cent of combined ether extracts,
- (c) 0.1 per cent of α -naphthol,
- (d) 1.0 per cent of mixed oxides, and
- (e) 5.0 per cent of Orange II.

B.06.027. Orange SS is 1-*o*-tolylazo-2-naphthol, and shall contain by weight not less than 98 per cent of pure dye and not more than

- (a) 0.5 per cent of water soluble matter,
- (b) 0.5 per cent of carbon tetrachloride insoluble matter,
- (c) 0.05 per cent of *o*-toluidine,
- (d) 0.05 per cent of β -naphthol, and
- (e) 0.3 per cent of sulphated ash,

and its melting point shall not be below 128° C.

B.06.028. Naphthol Yellow S is the disodium or dipotassium salt of 2, 4-dinitro-1-naphthol-7-sulphonic acid, and shall contain by weight not less than 85 per cent of pure dye and not more than

- (a) 0.4 per cent of water insoluble matter,
- (b) 0.4 per cent of combined ether extracts,

- (c) 1.0 per cent of mixed oxides, and
 - (d) 0.03 per cent of Martius Yellow.
- B.06.029.** Oil Yellow AB is 1-phenylazo-2-naphthylamine, and shall contain by weight not less than 99 per cent of pure dye and not more than
- (a) 0.5 per cent of water soluble matter,
 - (b) 0.5 per cent of carbon tetrachloride insoluble matter,
 - (c) 0.05 per cent of intermediates, and
 - (d) 0.3 per cent of sulphated ash,
- and its melting point shall not be below 99° C.
- B.06.030.** Oil Yellow OB is 1-*o*-tolylazo-2-naphthylamine, and shall contain by weight not less than 99 per cent of pure dye and not more than
- (a) 0.5 per cent of water soluble matter,
 - (b) 0.5 per cent of carbon tetrachloride insoluble matter,
 - (c) 0.05 per cent of intermediates, and
 - (d) 0.3 per cent of sulphated ash,
- and its melting point shall not be below 120° C.
- B.06.031.** Tartrazine is the trisodium salt of 3-carboxy-5-hydroxy-1-*p*-sulpho-phenyl-4-*p*-sulphophenylazopyrazole, and shall contain by weight not less than 75 per cent of pure dye and not more than
- (a) 0.5 per cent of water insoluble matter,
 - (b) 0.5 per cent of combined ether extracts,
 - (c) 0.1 per cent of phenylhydrazine-*p*-sulphonic acid,
 - (d) 1.0 per cent of mixed oxides, and
 - (e) 3.0 per cent of subsidiary dyes.
- B.06.032.** Sunset Yellow FCF is the disodium salt of 1-*p*-sulphophenylazo-2-naphthol-6-sulphonic acid, and shall contain by weight not less than 75 per cent of pure dye and not more than
- (a) 0.5 per cent of water insoluble matter,
 - (b) 0.4 per cent of combined ether extracts,
 - (c) 1.0 per cent of mixed oxides, and
 - (d) 5.0 per cent of subsidiary dyes.
- B.06.033.** Light Green SF Yellowish is the disodium salt of 4-{[4-(N-ethyl-*p*-sulphobenzylamino)-phenyl]-(4-sulphoniumphenyl)-methylene} - [1-(N-ethyl-N-*p*-sulphobenzyl)- $\Delta^{2,5}$ -cyclohexadienimine], and shall contain by weight not less than 79 per cent of pure dye and not more than
- (a) 0.5 per cent of water insoluble matter,
 - (b) 0.4 per cent of combined ether extracts,
 - (c) 1.0 per cent of mixed oxides, and
 - (d) 5.0 per cent of subsidiary dyes, calculated as Guinea Green B.
- B.06.034.** Guinea Green B is the monosodium salt of 4-[4-N-ethyl-*p*-sulphobenzylamino)-diphenylmethylene] - [1-(N-ethyl-N-*p*-sulphoniumbenzyl)- $\Delta^{2,5}$ -cyclohexadienimine], and shall contain by weight not less than 82 per cent of pure dye and not more than
- (a) 0.5 per cent of water insoluble matter,
 - (b) 0.4 per cent of combined ether extracts, and
 - (c) 1.0 per cent of mixed oxides.
- B.06.035.** Fast Green FCF is the disodium salt of 4-{[4-(N-ethyl-*p*-sulphobenzylamino) - phenyl] - (4-hydroxy-2-sulphoniumphenyl)-methylene} - [1-N-ethyl-N-*p*-sulphobenzyl)- $\Delta^{2,5}$ -cyclohexadienimine], and shall contain by weight not less than 85 per cent of pure dye and not more than
- (a) 0.5 per cent of water insoluble matter,
 - (b) 0.4 per cent of combined ether extracts,
 - (c) 1.0 per cent of mixed oxides, and
 - (d) 5.0 per cent of subsidiary dyes.

- B.06.036.** Indigotine is the disodium salt of indigotine-5, 5'-disulphonic acid and shall contain by weight not less than 87 per cent of pure dye and not more than
- (a) 0.5 per cent of water insoluble matter,
 - (b) 0.5 per cent of combined ether extracts,
 - (c) 1.0 per cent of mixed oxides, and
 - (d) 5.0 per cent of lower sulphonated dyes.
- B.06.037.** Brilliant Blue FCF is the disodium salt of 4-[4-(N-ethyl-*p*-sulphobenzylamino) - phenyl] - (2-sulphoniumphenyl) - methylene } - [1-(N-ethyl-N-*p*-sulphobenzyl) - $\Delta^{2,5}$ -cyclohexadienimine], and shall contain by weight not less than 82 per cent of pure dye and not more than
- (a) 0.5 per cent of water insoluble matter,
 - (b) 0.4 per cent of combined ether extracts,
 - (c) 1.0 per cent of mixed oxides, and
 - (d) 5.0 per cent of subsidiary dyes.
- B.06.038.** Benzyl Violet 4B is the mono-sodium salt of 4-[4-(N-ethyl-*p*-sulphobenzylamino) - phenyl] - [4-(N-ethyl-*p*-sulphonium benzylamino) - phenyl] - methylene } - (N,N-di-methyl- $\Delta^{2,5}$ -cyclohexadienimine), and shall contain by weight not less than 85 per cent of pure dye and not more than
- (a) 8.0 per cent volatile matter (at 135°C),
 - (b) 0.3 per cent of water-insoluble matter,
 - (c) 0.4 per cent of combined ether extracts,
 - (d) 0.2 per cent of *p*-dimethylaminobenzoic acid,
 - (e) 4.0 per cent of chloride and sulphate of sodium,
 - (f) 1.0 per cent of mixed oxides,
- and the sum of the volatile matter, sodium chloride and sulphate, pure dye and leuco base of the dye shall not be less than 95.0 per cent.
- B.06.050.** Lakes of any of the water soluble coal tar colours included in B.06.021 to B.06.037 are the calcium or aluminum salts of the respective colours extended upon alumina.
- B.06.051.** The constants and percentages of components referred to in B.06.021 to B.06.037 inclusive shall be determined by the methods employed by the Food and Drug Laboratories.

Division 7

Spices, Condiments, Dressings

- B.07.001.** **Cloves**, whole or ground, are the dried flower buds of the clove plant, and shall not contain more than
- (a) 5 per cent of clove stems,
 - (b) 8 per cent of total ash,
 - (c) 0.5 per cent of ash insoluble in hydrochloric acid, and
 - (d) 10 per cent of crude fibre,
- and shall contain not less than 15 per cent of volatile ether extract.
- B.07.002.** **Ginger**, whole or ground, is the washed and dried or decorticated and dried rhizome of the ginger plant, and shall not contain more than 10 per cent of moisture, and, on the dry basis, shall contain not less than
- (a) 45 per cent of ginger starch,
 - (b) 13.3 per cent of cold water extractive as determined by the method employed by the Food and Drug Laboratories, and
 - (c) 2 per cent of ash soluble in water,
- and shall not contain more than
- (d) 9 per cent of crude fibre,
 - (e) 1 per cent of calcium, calculated as CaO,
 - (f) 7.5 per cent of total ash, and
 - (g) 2 per cent of ash insoluble in hydrochloric acid.
- B.07.003.** **Jamaica Ginger**, whole or ground, is ginger grown in Jamaica, and shall conform to the standard prescribed by B.07.002 except that it shall contain, on the dry basis, not less than 16.6 per cent of cold water extractive as determined by the method employed by the Food and Drug Laboratories.

- B.07.004. **Limed Ginger (Bleached Ginger)**, whole or ground, shall be ginger coated with calcium carbonate and shall conform to the standard prescribed by B.07.002 except that it shall contain not more than
(a) 2 per cent of calcium, calculated as CaO, and
(b) 11 per cent of total ash.
- B.07.005. **Mustard (Mustard Flour, Ground Mustard)** is the powder made from mustard seed with the hulls largely removed and with or without the removal of a portion of the fixed oil, and shall contain not more than
(a) 1.5 per cent of mustard starch, and
(b) 6 per cent of total ash,
and shall yield not less than 0.35 per cent of volatile mustard oil as determined by the method employed by the Food and Drug Laboratories.
- B.07.006. **Allspice (Pimento)**, whole or ground, is the dried, nearly ripe fruit of the pimento tree, and shall contain not less than 8 per cent of quercitannic acid, calculated from the total oxygen absorbed by the aqueous extract, and not more than
(a) 25 per cent of crude fibre,
(b) 6 per cent of total ash, and
(c) 0.4 per cent of ash insoluble in hydrochloric acid.
- B.07.007. **Cinnamon (Cassia)**, whole or ground, is the dried bark of cultivated varieties of *Cinnamomum zeylanicum* Nees, or *C. cassia* L., from which the outer layers may or may not have been removed, and shall not contain more than
(a) 5 per cent of ash, and
(b) 2 per cent of ash insoluble in hydrochloric acid.
- B.07.008. **Ceylon Cinnamon**, whole or ground, is cinnamon obtained exclusively from *Cinnamomum zeylanicum* Nees.
- B.07.009. **Mace**, whole or ground, is the dried arillus of *Myristica fragrans* Houttyn and shall not contain more than
(a) 7 per cent of crude fibre,
(b) 3 per cent of total ash, and
(c) 0.5 per cent of ash insoluble in hydrochloric acid,
and the ethyl ether extract, obtained after extraction of mace with petrolic ether, shall not exceed 5 per cent and the sum of the extracts with petrolic ether and ethyl ether shall not exceed 33 per cent.
- B.07.010. **Nutmeg**, whole or ground, is the dried seed of *Myristica fragrans* Houttyn with or without a thin coating of lime, and shall contain
(a) not less than 25 per cent of non-volatile ether extract,
(b) not more than 5 per cent of total ash, and
(c) not more than 0.5 per cent of ash insoluble in hydrochloric acid.
- B.07.011. **Black Pepper (Peppercorn)**, whole or ground, is the dried, immature berry of the pepper plant, and shall contain not less than
(a) 6.75 per cent of non-volatile ether extract, and
(b) 30 per cent of pepper starch,
and shall not contain more than
(c) 7 per cent of total ash, and
(d) 1.5 per cent of ash insoluble in hydrochloric acid.
- B.07.012. Ground black pepper shall contain the several parts of the berry in their normal proportions.
- B.07.013. **White Pepper**, whole or ground, shall be the dried, mature berry of the pepper plant from which the outer coating, or the outer and inner coatings are removed, and shall contain not less than
(a) 7 per cent of non-volatile ether extract, and
(b) 52 per cent of pepper starch,
and shall not contain more than
(c) 5 per cent of crude fibre,
(d) 3.5 per cent of total ash, and
(e) 0.3 per cent of ash insoluble in hydrochloric acid.

- B.07.014. Cayenne Pepper (Cayenne)**, whole or ground, is the dried, ripe fruit of *Capsicum frutescens* L., *Capsicum baccatum* L., or some other small-fruited species of *Capsicum*, and shall not contain more than
- (a) 1.5 per cent of cayenne starch,
 - (b) 28 per cent of crude fibre,
 - (c) 8 per cent of total ash, and
 - (d) 1.25 per cent of ash insoluble in hydrochloric acid,
- and shall contain not less than 15 per cent of non-volatile ether extract.
- B.07.015. Paprika**, whole or ground, is the dried, ripe fruit of *Capsicum annuum* L., and shall not contain more than
- (a) 18 per cent of non-volatile ether extract,
 - (b) 23 per cent of crude fibre,
 - (c) 8.5 per cent of total ash, and
 - (d) 1 per cent of ash insoluble in hydrochloric acid,
- and the iodine number (Hanus) of the extracted oil shall be not less than 125 and not more than 136.
- B.07.016. Turmeric**, whole or ground, is the dried rhizome of *Curcuma longa* L.
- B.07.017. Sage**, whole or ground, is the dried leaves of the sage plant, and shall not contain more than 12 per cent of stems, excluding petioles, and other foreign material.
- B.07.018. Thyme**, whole or ground, is the dried leaves and flowering tops of the thyme plant, and shall not contain more than
- (a) 12 per cent of total ash, and
 - (b) 4 per cent of ash insoluble in hydrochloric acid.
- B.07.019. Caraway Seed** is the dried fruit of the caraway plant, and shall not contain more than
- (a) 8 per cent of total ash, and
 - (b) 1.5 per cent of ash insoluble in hydrochloric acid.
- B.07.020. Cardamom Seed** is the dried seed of cardamom, and shall not contain more than
- (a) 8 per cent of total ash, and
 - (b) 3 per cent of ash insoluble in hydrochloric acid.
- B.07.021. Celery Seed** is the dried fruit of the celery plant, and shall not contain more than
- (a) 10 per cent of total ash, and
 - (b) 2 per cent of ash insoluble in hydrochloric acid.
- B.07.022. Coriander Seed** is the dried fruit of the coriander plant, and shall not contain more than
- (a) 7 per cent of total ash, and
 - (b) 1.5 per cent of ash insoluble in hydrochloric acid.
- B.07.023. Dill Seed** is the dried fruit of the dill plant, and shall not contain more than
- (a) 10 per cent of total ash, and
 - (b) 3 per cent of ash insoluble in hydrochloric acid.
- B.07.024. Mustard Seed** is the seed of *Sinapis alba* L., *Brassica nigra* (L.) Koch, *B. juncea* (L.) Cosson, or varieties or closely related species of the types of *B. nigra* and *B. juncea*, and shall not contain more than
- (a) 5 per cent of total ash, and
 - (b) 1.5 per cent of ash insoluble in hydrochloric acid.

B.07.025. Marjoram, whole or ground, is the dried leaves with or without a small proportion of the flowering tops of the marjoram plant, and shall not contain more than

- (a) 10 per cent of stems and foreign material,
- (b) 16 per cent of total ash, and
- (c) 4.5 per cent of ash insoluble in hydrochloric acid.

B.07.026. Pastry Spice shall be any combination of spices.

B.07.027. Poultry Dressing shall be any combination of spices, seasoning seeds, flavouring herbs, fresh or dehydrated garlic, and fresh or dehydrated onions.

B.07.028 Curry Powder shall be any combination of turmeric with spices and seasoning, and shall not contain more than 5 per cent of salt.

B.07.029. Pickling Spice, whole or ground, shall be any combination of spices, seasoning seeds, and flavouring herbs.

B.07.030. Onion Salt shall be a combination of powdered onion and salt, with or without not more than 1 per cent of magnesium carbonate, and shall not contain more than 75 per cent of salt.

B.07.031. Garlic Salt shall be a combination of powdered garlic and salt, with or without not more than 1 per cent of magnesium carbonate, and shall not contain more than 75 per cent of salt.

B.07.032. Celery Salt shall be a combination of ground celery seed, or ground dehydrated celery, and salt, and shall not contain more than 75 per cent of salt.

B.07.033. Celery Pepper shall be a combination of ground celery seed, or ground, dehydrated celery, and ground, black pepper and shall not contain more than 70 per cent of ground, black pepper.

B.07.034. Mayonnaise (Mayonnaise Dressing, Mayonnaise Salad Dressing) shall be a combination of

- (a) vegetable oil,
 - (b) liquid or frozen whole eggs, or egg yolks with or without liquid or frozen egg whites, and
 - (c) vinegar, or lemon juice, and with or without
 - (d) water,
 - (e) salt,
 - (f) sweetening agent,
 - (g) spice, or other seasoning, or
 - (h) citric, tartaric, or lactic acid,
- and shall contain, by weight, not less than 65 per cent of vegetable oil.

B.07.035. French Dressing shall be a combination of

- (a) vegetable oil, and
- (b) vinegar, or lemon juice, and with or without
- (c) water,
- (d) salt,
- (e) sweetening agent,
- (f) spice, or other seasoning,
- (g) emulsifying agent, or
- (h) citric, tartaric, or lactic acid,

and shall contain, by weight, not less than 35 per cent of vegetable oil.

B.07.036. Salad Dressing shall be a combination of

- (a) vegetable oil,
 - (b) liquid or frozen whole eggs, or egg yolks with or without liquid or frozen egg whites,
 - (c) vinegar, or lemon juice, and
 - (d) cereal
- and with or without
- (e) water,
 - (f) salt,
 - (g) sweetening agent,
 - (h) spice, or other seasoning,
 - (i) emulsifying agent, or
 - (j) citric, tartaric, or lactic acid,
- and shall contain, by weight, not less than 35 per cent of vegetable oil.

B.07.037. No person shall sell any French dressing or salad dressing that contains an emulsifying agent unless both the inner and the outer labels of every package of such French dressing or salad dressing carry, legibly and conspicuously, a declaration of the presence of such emulsifying agent.

B.07.038. Notwithstanding the provisions of B.07.037 a small amount of egg or egg-yolk may be added to French dressing as an emulsifying agent without label declaration.

B.07.039. No person shall sell mayonnaise, French dressing, or salad dressing that contains turmeric or saffron.

Division 8

Dairy Products

B.08.001. The foods referred to in this DIVISION are included within the term *dairy product*.

*Milk*¹⁴

B.08.005. Milk, in whatever form, that has any of its fat removed shall conform to the standard for the respective form of milk except as regards the milk fat content, and on any label and in any advertisement for such milk the word *skimmed* or the word *skim* shall accompany the word *milk* in identical type and in immediate conjunction therewith.

B.08.006. Sterilized Milk shall be milk that has been heated without concentration or appreciable loss of volume to a temperature of at least 100° C for a length of time sufficient to kill all the organisms present, and shall be delivered to the consumer in hermetically sealed containers, and shall contain by weight not less than

- (a) 3.25 per cent of milk fat, and
- (b) 11.75 per cent of total milk solids.

B.08.007. No person shall sell sterilized milk unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the statement "This milk is not a concentrated product, but has only the food value of normal milk".

B.08.008. Homogenized Milk is milk that has been subjected to a mechanical treatment that prevents separation of the milk fat.

B.08.009. (naming the flavour) Milk shall be made from

- (a) milk, milk powder, skim milk, or skim milk powder,
- (b) flavouring preparation, and
- (c) sweetening agent,

and with or without food colour, stabilizer, or salt and shall contain by weight not less than 3.0 per cent of milk fat.

¹⁴ See B.16.004.

- B.08.010.** Chocolate Drink shall be made from
- (a) milk, milk powder, skim milk, or skim milk powder,
 - (b) cocoa, or chocolate, and
 - (c) sweetening agent,
- and with or without stabilizer, or salt and shall contain by weight not less than 2.0 per cent of milk fat.
- B.08.011.** No person shall sell (naming the flavour) milk or chocolate drink
- (a) that contains more than 50,000 bacteria per cubic centimetre as determined by the method employed by the Laboratory of Hygiene, or
 - (b) unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the percentage content by weight of milk fat.
- B.08.012.** Condensed Milk (Sweetened Condensed Milk) shall be milk from which water has been evaporated and to which sugar, or dextrose, or both, have been added, with or without, added vitamin D, and shall contain by weight, all tolerances being allowed for, not less than
- (a) 28 per cent of milk solids, and
 - (b) 8 per cent of milk fat.
- B.08.013.** Evaporated Milk (Unsweetened Condensed Milk) shall be milk from which water has been evaporated, with or without
- (a) added vitamin D, and
 - (b) disodium phosphate, or sodium citrate, or both, added in a total quantity of not more than 0.1 per cent by weight of the finished product,
- and shall contain by weight, all tolerances being allowed for, not less than
- (c) 25.5 per cent of milk solids, and
 - (d) 7.8 per cent of milk fat.
- B.08.014.** Evaporated Skim Milk (Concentrated Skim Milk) shall be milk that has been concentrated to at least one-half its original volume by the removal of water, and from which any of the milk fat has been removed, and with or without added vitamin D.
- B.08.015.** Notwithstanding the provisions of B.08.014 evaporated skim milk from which only part of the milk fat has been removed may be designated **Evaporated Partly Skimmed Milk (Concentrated Partly Skimmed Milk)** provided that both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the percentage content by weight of milk fat.
- B.08.016.** No person shall sell condensed milk, evaporated milk, or evaporated skim milk to which vitamin D has been added unless
- (a) the finished product contains not less than 400 International Units and not more than 800 International Units of vitamin D per pint,
 - (b) the menstruum containing the vitamin D contributes not more than 0.01 per cent of fat foreign to milk, and
 - (c) both the inner and the outer labels of every package thereof bear legibly and conspicuously, the statement "Vitamin D Increased" immediately preceding or following the name of the food, without intervening written, printed, or graphic matter.
- B.07.017.** Dry Whole Milk (Milk Powder, Powdered Milk, Powdered Whole Milk) shall contain by weight not less than
- (a) 95 per cent of milk solids, and
 - (b) 26 per cent of milk fat,
- and may contain added vitamin D.
- B.08.018.** Dry Skim Milk (Skim Milk Powder, Powdered Skim Milk) shall contain by weight not less than 95 per cent of milk solids, and may contain added vitamin D.

- B.08.019. Malted Milk** shall be made by combining whole milk with the liquid separated from a mash of ground barley malt and meal, with or without the addition of salt, sodium bicarbonate, or potassium bicarbonate, in such a manner as to secure the full enzyme action of the malt extract, and by removing water, and shall contain by weight
- (a) not less than 7.5 per cent of milk fat, and
 - (b) not more than 3.5 per cent of moisture.

B.08.020. (naming the flavour) Malted Milk shall be malted milk containing a flavouring preparation.

B.08.021. Canned cream shall be cream that has been heated without concentration or appreciable loss of volume to a temperature of at least 100°C for a length of time sufficient to kill all the organisms present and shall be delivered to the consumer in hermetically sealed containers.

B.08.022. No person shall sell canned cream unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the percentage content by weight of milk fat.

Cheese

B.08.031. Cheese shall be made by coagulating the casein of whole milk, skim milk, cream, skim milk powder, whole milk powder or mixtures thereof, with or without the addition of cream, skim milk powder, whole milk powder or of proportionately small amounts of other ingredients such as ripening ferments, harmless acid-producing bacterial cultures, special mold cultures, salt, seasoning, special flavouring materials or of food colours,¹⁵ and with or without subsequent ripening.

B.08.032. In this Division, when used in relation to cheese, the expression

- (a) "pasteurized source" means milk, cream, skim milk, reconstituted skim milk or whole milk powders, or a mixture thereof that has been pasteurized by being held at a temperature of not less than 143°F for a period of not less than 30 minutes, or for a time and a temperature which shall be equivalent thereto in phosphatase destruction as determined by methods employed by the Food and Drug Laboratories,
- (b) "stored" means to have kept, held or stored cheese at a temperature of 35°F or more for a period of 60 days or more from the date of the beginning of the manufacturing process, and
- (c) "whole cheese" means a cheese that has not been reduced from its size and quantity as manufactured,

B.08.033. Cream Cheese shall be cheese made from cream or from milk to which cream has been added, and shall contain

- (a) not more than 55 per cent of moisture, and
- (b) on the dry basis, not less than 65 per cent of milk fat.

B.08.034. Skim Milk Cheese shall be cheese that

- (a) contains on the dry basis less than 48 per cent of milk fat or
- (b) is made
 - (i) from or by the use of skim milk
 - (ii) from milk from which any fat has been removed, or
 - (iii) from milk to which skim milk has been added.

B.08.035. Process Cheese (Emulsified Cheese) shall be cheese produced by comminuting or mixing one or more lots of cheese into a homogeneous mass with the aid of a sufficient degree of heat to bring about pasteurization in accordance with the requirements of subparagraph (a) of B.08.032, and with or without the aid of emulsifying agents, with or without

¹⁵ See B.06.003.

- (a) water,
 - (b) solids derived from milk,
 - (c) food colour,
 - (d) seasoning, relishes, condiments, or
 - (e) Class III preservative,¹⁶
- and shall not contain any fat or oil other than milk fat, and the finished product shall contain if manufactured from
- (f) a cream cheese base and without the use of seasoning, relishes or condiments
 - (i) not more than 55 per cent of moisture, and
 - (ii) on the dry basis, not less than 65 per cent of milk fat, or
 - (g) a cream cheese base with the use of seasoning, relishes, or condiments.
 - (i) not more than 60 per cent of moisture, and
 - (ii) on the dry basis not less than 50 per cent of milk fat.
 - (h) other than a cream cheese base,
 - (i) not more than 43 per cent of moisture, and
 - (ii) on the dry basis, not less than 48 per cent of milk fat.

B.08.036. Skim Milk Process Cheese (Skim Milk Emulsified Cheese) shall be process cheese except that on the dry basis it shall contain

- (a) less than 48 per cent of milk fat, and
- (b) not more than 43 per cent of moisture.

B.08.037. No person shall sell cheese made in whole or in part from milk other than cow's milk unless both the inner and outer labels of every package thereof carry, legibly and conspicuously, a statement of the source of the milk.

B.08.038. Cheese made from a pasteurized source may be sold without restriction as to having been stored, and the provisions of section B.08.039 to B.08.042 do not apply to such cheese.

B.08.039. No manufacturer shall sell cheese that is not made from a pasteurized source unless the date of the beginning of the manufacturing process is

- (a) legibly and conspicuously marked or branded thereon within three days thereof, or
- (b) if the cheese is such that because of its texture, consistency, or physical structure such date cannot be effectively branded or marked thereon, then both the inner and outer labels of every package thereof shall be legibly and conspicuously marked or branded with such date at the time of packaging.

B.08.040. No cheese manufacturer shall sell any cheese that is not made from a pasteurized source and that has been cut into smaller portions, unless

- (a) it shall have been duly stored, or
- (b) each portion of cut cheese shall have been legibly and conspicuously marked, branded or labelled with the date of the beginning of the manufacturing process.

B.08.041. No person shall sell to a retailer, cheese that has not been made from a pasteurized source unless it has been duly stored, provided that cheese that has not been duly stored but that is marked or branded with the date of the beginning of the manufacturing process may be sold in quantities of not less than 900 pounds to a retailer who possesses adequate facilities to store such cheese in accord with the provisions of B.08.032 (b).

B.08.042. No person shall sell to a member of the general public cheese that has not been manufactured from a pasteurized source unless it has been duly stored.

¹⁶ See B. 16.009, B.16.014 and B.16.015.

- B.08.043.** No person shall sell or have in possession for sale any whole cheese from which the stamp indicating the date of the beginning of the manufacturing process has been removed.
- B.08.044.** The provisions of B.08.039 do not apply to cheese used as an ingredient in any food that is so manufactured or processed as to pasteurize such cheese in accordance with the requirements of subparagraph (a) of B.08.032.
- B.08.045.** **Whey** is the product remaining when, in the process of cheese-making, the fat and casein have been removed from milk.

Butter

- B.08.051.** **Milk Fat (Butter Fat)** is the fat of cow's milk and shall have
- (a) a specific gravity of not less than 0.905 at a temperature of 40° C,
 - (b) a tocopherol content of not more than 50 micrograms per gram as determined by the method employed by the Food and Drug Laboratories,
 - (c) a Reichert-Meissl number of not less than 24, and
 - (d) a Polenske number of not more than 3.5,
- and where the Polenske number exceeds 10 per cent of the Reichert-Meissl number there shall be deemed to have been an addition to the milk fat of fat other than that of cow's milk.
- B.08.052.** **Butter** shall be made from milk or cream by gathering the fat thereof into a mass that also contains a small portion of the other milk constituents, with or without salt or food colour,¹⁷ and shall contain by weight
- (a) not less than 80 per cent of milk fat, and
 - (b) not more than 16 per cent of moisture.
- B.08.053.** **Whey Butter** shall be butter made from milk fat that has been recovered from whey.

Ice Cream

- B.08.061.** **Ice Cream Mix**¹⁷ shall be the unfrozen pasteurized combination of cream, milk, or other milk products, sweetened with sugar, invert sugar, honey, or a combination of not less than 75 per cent by weight of sugar or invert sugar and not more than 25 per cent by weight of dextrose or glucose, and with or without
- (a) egg,
 - (b) flavouring preparation,
 - (c) cocoa or chocolate syrup, or
 - (d) not more than 0.5 per cent by weight of the finished product of stabilizer,
- and shall contain not less than
- (e) 36 per cent by weight of solids, and
 - (f) 10 per cent by weight of milk fat.
- B.08.062.** **Ice Cream**¹⁷ shall be the frozen food made from ice cream mix by freezing with or without the addition of cocoa or chocolate syrup, fruit, nuts, or confections, and shall contain not less than
- (a) 36 per cent by weight of solids,
 - (b) 10 per cent by weight of milk fat,
 - (c) 1.8 pounds of solids per gallon of which amount not less than 0.50 pound shall be milk fat, and
 - (d) not more than 0.5 per cent by weight of stabilizer,
- and shall not contain more than 100,000 bacteria per gram when examined by the method employed by the Laboratory of Hygiene.
- B.08.063.** **Honey Ice Cream**¹⁷ shall be ice cream in which honey is the only sweetening agent and food flavour used.

¹⁷ See B.06.005.

- B.08.004. Sherbet shall be the frozen food other than ice cream, made from a milk product with or without
- (a) water,
 - (b) sweetening agent,
 - (c) fruit, or fruit juice,
 - (d) flavouring preparation,
 - (e) food colour,¹⁸ or
 - (f) not more than 0.75 per cent by weight of the finished product of stabilizer, and shall contain
 - (g) not more than 5 per cent by weight of milk solids, including milk fat, and
 - (h) not less than 0.35 per cent of acid determined by titration and expressed as lactic acid.

Division 9

Fats and Oils

- B.09.001. Vegetable fats and oils shall be obtained entirely from the botanical source after which they are named, and shall be prepared or processed so as to be dry and sweet in flavour and odour.
- B.09.002. Animal fats and oils shall be obtained entirely from animals in good health at the time of slaughter and shall be prepared or processed so as to be dry and sweet in flavour and odour.
- B.09.003. Olive Oil (Sweet Oil) is the oil of the fruit of the olive tree, and shall have
- (a) a specific gravity (20°C/20°C) of not less than 0.9120 and not more than 0.9170,
 - (b) a refractive index (20°C) of not less than 1.4684 and not more than 1.4702,
 - (c) a Maumené number of not less than 42 and not more than 52,
 - (d) an iodine value (Hanus) of not less than 77 and not more than 94,
 - (e) a saponification value of not less than 185.0 and not more than 195.0, and
 - (f) an acid value of not more than 7.
- B.09.004. Cotton Seed Oil is the oil of the seeds of the cotton plant and shall have
- (a) a specific gravity (20°C/20°C) of not less than 0.9190 and not more than 0.9280,
 - (b) a refractive index (20°C) of not less than 1.4718 and not more than 1.4743, and
 - (c) an iodine value (Hanus) of not less than 100 and not more than 140.
- B.09.005. Cacao Butter (Cocoa Butter) is the fat from sound cacao beans, obtained either before or after roasting, and shall have
- (a) a refractive index (40°C) of not less than 1.4537 and not more than 1.4585,
 - (b) a saponification value of not less than 188 and not more than 202,
 - (c) an iodine value (Hanus) of not less than 32 and not more than 41, and
 - (d) an acid value of not more than 5.
- B.09.006. Corn Oil (Maize Oil) is the oil of the germ of Indian corn and shall have
- (a) a specific gravity (20°C/20°C) of not less than 0.9180 and not more than 0.9240,
 - (b) a refractive index (20°C) of not less than 1.4732 and not more than 1.4753,

¹⁸ See B.06.005.

- (c) a saponification value of not less than 188 and not more than 193, and
(d) an iodine value (Hanus) of not less than 111 and not more than 130.
- B.09.007. Peanut Oil (Arachis Oil)** is the oil of the peanut, and shall have
- (a) a specific gravity (20°C/20°C) of not less than 0.9130 and not more than 0.9200,
 - (b) a refractive index (20°C) of not less than 1.4680 and not more than 1.4720,
 - (c) a saponification value of not less than 185 and not more than 196, and
 - (d) an iodine value (Hanus) of not less than 83 and not more than 100.
- B.09.008. Soy Bean Oil (Soja Oil, Soya Oil)** is the oil of the seeds of the soy bean plant, and shall have
- (a) a specific gravity (20°C/20°C) of not less than 0.9210 and not more than 0.9250, and
 - (b) a refractive index (20°C) of not less than 1.4719 and not more than 1.4755.
- B.09.009.** No person shall sell any oil, singly or in combination, as salad oil or table oil unless both the inner and the outer labels of every package of such oil carry, legibly and conspicuously, the common name of each oil, arranged in descending order of proportionate content, in characters of identical size and type with those used for the word *salad* or the word *table*.
- B.09.010. Shortening**, other than butter or lard shall be the plastic food prepared from fats, oils or a combination of fats and oils, which may be processed by hydrogenation and with or without
- (a) Class IV preservative,
 - (b) monoglycerides or a combination of mono- and diglycerides, the weight of the monoglycerides being not more than 10 per cent and the total weight of the mono- and diglycerides being not more than 20 per cent of the weight of the shortening,
- and shall not contain more than 1 per cent of substances other than monoglycerides, diglycerides, fatty acids and fat.
- B.09.011. Lard** shall be the rendered fat from hogs, with or without Class IV preservative¹⁹, and shall not contain more than 1 per cent of substances other than fatty acids and fat.
- B.09.012.** No person shall sell lard that contains a Class IV preservative¹⁹ unless the main panel of both the inner and the outer labels of every package thereof carries, legibly and conspicuously, the declaration "Contains (naming the Class IV preservative)".
- B.09.013. Leaf Lard** shall be lard that has been rendered at a moderately high temperature from the internal fat of the abdomen of the hog, excluding that adhering to the intestines, and shall have an iodine value (Hanus) of not more than 65.
- B.09.014. Suet** shall be fat taken from the region of the loin and surrounding the kidney, or the caul fat, obtained from a beef carcass.
- B.09.015.** No person shall sell suet in comminuted form that contains more than 3 per cent of cereal and more than 1 per cent of salt.
- B.09.016. Sunflower Seed Oil** is the oil of the seeds of the sunflower plant and shall have
- (a) a specific gravity (20°C/20°C) of not less than 0.9180 and not more than 0.9230,
 - (b) a refractive index (20°C) of not less than 1.4736 and not more than 1.4765,
 - (c) an iodine value (Hanus) of not less than 125 and not more than 141, and
 - (d) a saponification value of not less than 185 and not more than 195.
- B.09.017. Monoglycerides, Mono- and Diglycerides** shall be mono- and diglycerides of fat-forming fatty acids (except lauric) and may contain
- (a) not more than 0.02 per cent by weight of glycerine,

¹⁹ See B.01.003, B.16.016 and B.16.017.

- (b) not more than 0.02 per cent by weight of phosphoric acid,
- (c) not more than 2.5 per cent by weight of glycerol, and
- (d) Class IV preservative.

Division 10

Flavouring Preparations

- B.10.001.** The foods referred to in this Division are included within the term *flavouring preparation*.
- B.10.002.** In foods for which a standard is prescribed a flavouring preparation may be used only if such flavouring preparation is included in such standard.
- B.10.003.** Notwithstanding sub-paragraph (iv) of paragraph (a) of B.01.003 no label declaration is required for the presence of added artificial, imitation, or fortified flavouring preparation in bakery products or candy that are not manufactured exclusively for persons suffering from disease.
- B.10.004.** A flavouring extract or essence means a solution, with or without sweetening agent, of volatile oil, or of sapid or odorous principles, or both, extracted from the aromatic plant from which the flavouring extract is named, dissolved in water, ethyl alcohol, glycerine, or propylene glycol, or in any combination of these.
- B.10.005.** An artificial or imitation flavouring extract means a flavouring extract except that the flavouring principles shall be derived in whole or in part from sources other than aromatic plants.
- B.10.006.** A flavour means a preparation, other than a solution prescribed by B.10.004, with or without sweetening agent, of volatile oil, or of sapid or odorous principles, or both, extracted from the aromatic plant from which the flavour is named, and any solvent contained in such flavour shall be water, ethyl alcohol, glycerine, or propylene glycol, or any combination of these.
- B.10.007.** A fortified flavouring extract or flavour shall be, respectively, a flavouring extract or a flavour to which has been added a fortifying substance.
- B.10.008.** No person shall sell a fortified flavouring extract or a fortified flavour unless both the inner and outer labels of every package thereof carry, legibly and conspicuously, a statement of the amount of the flavouring extractives derived from the natural source for which the extract or flavour is named, in per cent by weight on the diluent-free basis.
- B.10.009.** Notwithstanding the provisions of B.01.006 no person shall sell any compound flavouring preparation that does not derive at least 51 per cent of its flavouring strength from the ingredient for which such preparation is named.
- B.10.010.** An artificial or imitation flavour means a flavour except that the flavouring principles shall be derived in whole or in part from sources other than aromatic plants.
- B.10.011.** In labelling and advertising an artificial, imitation, or fortified flavouring preparation the word *artificial*, or *imitation*, or *fortified* as the case may be shall be an integral part of the name of such flavouring preparation, and in identical type, and identically displayed, with such name.
- B.10.012.** Subject to these regulations a flavouring preparation may contain added colour²⁰ and Class II preservative.²¹
- B.10.013.** Any statement, mark, or device that refers to the strength of a flavouring preparation shall be correct in terms of the standards for flavouring extracts prescribed in these regulations.
- B.10.014.** **Almond Extract, Almond Flavour** shall contain not less than 1 per cent by volume of oil of bitter almonds, the hydrocyanic acid-free volatile oil obtained from the kernels of the bitter almond, the apricot, or the peach.
- B.10.015.** **Anise Extract, Anise Flavour** shall contain not less than 3 per cent by volume of oil of anise, the volatile oil obtained from the fruit of *Pimpinella anisum* L.

²⁰ See B.01.003 and B.06.001.

²¹ See B.01.003 and B.16.010 to B.16.013.

- B.10.016. **Celery Seed Extract, Celery Seed Flavour** shall contain not less than 0.3 per cent by volume of oil of celery seed, and may be prepared from celery seed, or oil of celery seed, or both.
- B.10.017. **Cassia Extract (Cassia Cinnamon Extract), Cassia Flavour (Cassia Cinnamon Flavour)** shall contain not less than 2 per cent by volume of oil of cassia cinnamon, the lead-free volatile oil obtained from the leaves and twigs of *Cinnamomum cassia* L. containing not less than 80 per cent by weight of cinnamic aldehyde.
- B.10.018. **Ceylon Cinnamon Extract, Ceylon Cinnamon Flavour** shall contain not less than 2 per cent by volume of oil of Ceylon cinnamon, the lead-free volatile oil obtained from the bark of *Cinnamomum zeylanicum* Nees containing by weight,
(a) not less than 65 per cent of cinnamic aldehyde, and
(b) not more than 10 per cent of eugenol.
- B.10.019. **Clove Extract, Clove Flavour** shall contain not less than 2 per cent by volume of oil of clove, the lead-free volatile oil obtained from clove buds.
- B.10.020. **Ginger Extract** shall contain in 100 millilitres the alcohol soluble matter from not less than 20 grams of ginger.
- B.10.021. **Lemon Extract, Lemon Flavour** shall be prepared from lemon peel or from oil of lemon, and shall contain, along with more or less of the terpenes of lemon oil, not less than 0.2 per cent of citral derived from oil of lemon.
- B.10.022. **Nutmeg Extract, Nutmeg Flavour** shall contain not less than 2 per cent by volume of oil of nutmeg.
- B.10.023. **Orange Extract, Orange Flavour** shall be prepared from sweet orange peel, oil of sweet orange, or terpeneless oil of sweet orange, and shall correspond in flavouring strength to an alcoholic solution containing 5 per cent by volume of oil of sweet orange, the volatile oil obtained from the fresh peel of *Citrus aurantium* L. that shall have an optical rotation at a temperature of 25°C of not less than 95° in a 100 millimetre tube and from which, if described as terpeneless oil of sweet orange, the terpenes have been removed.
- B.10.024. **Peppermint Extract, Peppermint Flavour** shall be prepared from oil of peppermint, or from peppermint, or from both, and shall contain not less than 3 per cent by volume of oil of peppermint, the oil, containing not less than 50 per cent by weight of free and combined menthol, obtained from the leaves and flowering tops of *Mentha piperita* L. or of *Mentha arvensis* De.C., var. *piperascens* Holmes.
- B.10.025. **Rose Extract, Rose Flavour** shall contain not less than 0.4 per cent by volume of otto of rose, the volatile oil obtained from the petals of *Rosa damascena* Mill., *R. centifolia* L., or *R. moschata* Herrm.
- B.10.026. **Savory Extract, Savory Flavour** shall be prepared from oil of savory, or from savory, or from both, and shall contain not less than 0.35 per cent by volume of oil of savory.
- B.10.027. **Spearmint Extract, Spearmint Flavour** shall be prepared from oil of spearmint, or from spearmint, or from both, and shall contain not less than 3 per cent by volume of oil of spearmint obtained from the leaves and flowering tops of *Mentha spicata* L.
- B.10.028. **Star Anise Extract, Star Anise Flavour** shall contain not less than 3 per cent by volume of oil of star anise, the volatile oil obtained from the fruit of *Illicium verum* Hook.
- B.10.029. **Sweet Basil Extract, Sweet Basil Flavour** shall be prepared from oil of sweet basil, or from sweet basil, or from both, and shall contain not less than 0.1 per cent by volume of oil of sweet basil obtained from the leaves and tops of *Ocimum basilicum* L.

- B.10.030. Sweet Marjoram Extract (Marjoram Extract), Sweet Marjoram Flavour (Marjoram Flavour)** shall be prepared from oil of marjoram, or from marjoram, or from both, and shall contain not less than 1 per cent by volume of oil of marjoram.
- B.10.031. Thyme Extract, Thyme Flavour** shall be prepared from oil of thyme, or from thyme, or from both, and shall contain not less than 0.2 per cent by volume of oil of thyme.
- B.10.032. Tonka Extract, Tonka Flavour** shall be prepared from the tonka bean, the seed of *Dipteryx odorata* Willd. or *D. oppositifolia* Willd., and shall contain not less than 0.1 per cent by weight of coumarin extracted from the tonka bean together with a corresponding proportion of the other soluble matter thereof.
- B.10.033. Vanilla Extract, Vanilla Flavour** shall be prepared from the vanilla bean, the dried, cured fruit of *Vanilla planifolia* Andrews, and shall contain in 100 millilitres the soluble matter of not less than 10 grams of the vanilla bean, and shall contain no added colour.
- B.10.034. Wintergreen Extract, Wintergreen Flavour** shall be prepared from oil of wintergreen, the volatile oil distilled from the leaves of *Gaultheria procumbens* L. or from *Betula lenta* L., and shall contain not less than 3 per cent by volume of oil of wintergreen.

Division 11

Fruits, Vegetables, and their Products

- B.11.001. Canned vegetables** shall be the foods prepared by heat-processing sound, properly matured and prepared fresh vegetables, with or without
- (a) sugar, or dextrose, or both,
 - (b) salt, or
 - (c) conditioner,
- and shall be canned in suitable, clean, closed containers.
- B.11.002. Tomatoes (Canned Tomatoes)** shall be the canned vegetable prepared from tomatoes and shall contain not less than 50 per cent of drained tomato solids as determined by the method employed by the Food and Drug Laboratories, and may contain as a conditioner
- (a) purified calcium chloride,
 - (b) calcium citrate,
 - (c) monocalcium phosphate,
 - (d) calcium sulphate, or
 - (e) any combination of these.
- B.11.003. No person shall sell canned tomatoes containing conditioner unless**
- (a) the tomatoes contain, by weight of the finished product, not more than 0.026 per cent of conditioner, calculated as calcium, and
 - (b) the main panel of the main label of every package of such tomatoes carries, legibly and conspicuously, a declaration by name of the presence of such conditioner.
- B.11.004. Tomato Juice** shall be the canned, unconcentrated, pasteurized liquid of the tomato, with a proportion of the pulp, expressed with or without the application of heat by any method that does not add water to such liquid, from whole, ripe tomatoes from which all stems and objectionable portions have been removed, and, with or without,
- (a) salt, or
 - (b) sugar, or dextrose, or both
- added in dry form only.

- B.11.005.** No person shall sell tomato juice containing added salt, sugar, or dextrose, unless the main panel of the main label of every package thereof carries, legibly and conspicuously, a declaration by name of the presence of such added substance.
- B.11.006. Tomato Juice Cocktail** shall be canned tomato juice that contains salt, sugar, or dextrose, to which has been added
- (a) not more than 20 per cent of other vegetable juice, and
 - (b) seasoning.
- B.11.007.** No person shall sell tomato juice or tomato juice cocktail that
- (a) shows mould filaments in more than 25 per cent of the microscopic fields, and
 - (b) contains, per millilitre, more than
 - (i) 50,000,000 bacteria, or
 - (ii) 3,900,000 yeasts and spores
- when examined by the methods employed by the Food and Drug Laboratories.
- B.11.008. Tomato Puree** shall be the canned food made from whole, ripe tomatoes of good flavour, with the skins and seeds removed, by concentrating to one-half or less of the original bulk, and with or without Class II preservative,²² and shall have a specific gravity (20°C/20°C) of not less than 1.050.
- B.11.009. Tomato Paste** shall be the canned food made by concentrating through evaporation
- (a) tomatoes, or
 - (b) properly prepared, sound tomato trimmings
- and with or without
- (c) salt,
 - (d) Class II preservative,²² or
 - (e) food colour²³
- and shall contain not less than 20 per cent of tomato solids as determined by the method employed by the Food and Drug Laboratories.
- B.11.010. Concentrated Tomato Paste** shall be tomato paste containing not less than 30 per cent of tomato solids.
- B.11.011. Tomato Catsup (Catsup)** includes *Ketchup*, *Catchup* and other variants of the word *Catsup*, and shall be the canned food made from the pulp and juice of red-ripe tomatoes from which seeds, skins, and cores have been removed, and with the addition of
- (a) vinegar,
 - (b) salt,
 - (c) seasoning, and
 - (d) sweetening agent
- and with or without
- (e) Class II preservative,²² or
 - (f) food colour.²³
- B.11.012.** No person shall sell tomato puree, tomato paste, or tomato catsup that
- (a) shows mould filaments in more than 50 per cent of the microscopic fields, and
 - (b) contains, per millilitre, more than
 - (i) 100,000,000 bacteria, or
 - (ii) 7,500,000 yeasts and spores
- when examined by the methods employed by the Food and Drug Laboratories.

²² See B.01.003. and B.16.010 to B.16.013.²³ See B.01.003 and B.06.001.

- B.11.013. Canned corn shall be the canned food prepared from one of the varieties of corn, known to the trade as sweet corn, picked when young and tender.
- B.11.014. Cream Style Corn (Corn) shall be the canned food prepared from kernels that have been removed from the cob by shallow cutting and subsequent scraping causing it to have a creamy consistency.
- B.11.015. Whole (or Cut) Kernel Style Corn shall be the canned food prepared from kernels that have been removed from the cob in such a manner as to leave them practically whole.
- B.11.016. Corn on Cob shall be the canned ears of corn.
- B.11.017. Canned Peas shall be the canned food prepared with water from young, tender peas free from pods or other foreign material, and with or without
- (a) sugar, or dextrose, or both,
 - (b) salt, or
 - (c) conditioner in an amount not exceeding, by weight of the finished product,
 - (i) calcium hydroxide 0.04 per cent, or
 - (ii) magnesium hydroxide 0.01 per cent.
- B.11.018. No person shall sell canned peas containing conditioner unless the main panel of both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the declaration "Alkalies Added".
- B.11.019. Beans with Pork (Beans and Pork) shall be the canned food prepared from dried beans and pork with or without sauce, seasoning, spices and sweetening agent and shall contain not less than 60 per cent by weight of drained solids as determined by the method employed by the Food and Drug Laboratories.
- B.11.020. Beans (Vegetarian Beans) shall be the canned food prepared from dried beans with or without sauce, seasoning, spices and sweetening agent and shall contain not less than 60 per cent by weight of drained solids as determined by the method employed by the Food and Drug Laboratories.
- B.11.021. Sauerkraut shall be the canned food prepared by the full fermentation of cabbage to which salt has been added, and shall contain not less than 1 per cent of acid calculated as lactic acid.
- B.11.024. Frozen vegetables shall be vegetables preserved by freezing and shall be packed in suitable, clean, closed containers.
- B.11.025. No person shall sell frozen vegetables other than rhubarb that have not been blanched before freezing.

Fruits

- B.11.031. Fruit shall be sound, matured, and properly prepared.
- B.11.032. Canned fruits shall be the foods prepared by heat-processing sound, properly matured and prepared fresh fruit, with or without sugar, or dextrose, or both, and shall be canned in suitable, clean closed containers.
- B.11.033. Dried fruit, desiccated fruit, shall be fruit dried or desiccated in such a way as to take up no harmful substance.
- B.11.034. Evaporated fruit shall be fruit dried by means of artificial heat.
- B.11.035. Dehydrated fruit shall be fruit dried under conditions in which temperature, air flow, and humidity are controlled.
- B.11.036. Subject to these regulations, dried, desiccated, evaporated, or dehydrated fruit may contain sulphur dioxide.
- B.11.037. No person shall sell evaporated apples that contain more than 24 per cent of moisture as determined by the method employed by the Food and Drug Laboratories.

- B.11.038.** Frozen fruit shall be fruit preserved by freezing, and with or without
- (a) sugar, or dextrose, or both, or
 - (b) ascorbic acid to prevent discoloration
- and shall be packed in suitable, clean, closed containers.
- B.11.039.** No person shall sell frozen fruit that contains added sugar or dextrose unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a declaration of the presence of such added substance.
- B.11.040.** No person shall sell frozen fruit containing added ascorbic acid unless
- (a) such fruit contains not more than 200 milligrams of ascorbic acid per pound, and
 - (b) both the inner and the outer labels of every package of such fruit carry, legibly and conspicuously, the declaration "Contains ascorbic acid to prevent discoloration".

Fruit Juices

- B.11.045.** (Fruit juice) shall be the unfermented liquid expressed from sound, ripe, fresh fruit, and with or without.
- (a) sugar, or dextrose, or both, or
 - (b) Class II preservative²⁴
- and shall be packed in suitable, clean, closed containers.
- B.11.046.** **Apple Juice**²⁵ shall be the fruit juice obtained from apples with or without the addition of vitamin C, and shall have a specific gravity (20°C/20°C) of not less than 1.0415 and not more than 1.0690, and shall contain in 100 millilitres measured at a temperature of 20° C
- (a) not less than 6 grams and not more than 20 grams of total sugars in terms of reducing sugars, and
 - (b) not less than 0.24 gram and not more than 0.6 gram of ash of which not less than 50 per cent shall be potassium carbonate.
- B.11.047.** **Grape Juice** shall be the fruit juice obtained from grapes, and shall have a specific gravity (20° C/20° C) of not less than 1.0400 and not more than 1.1240 and shall contain in 100 millilitres measured at a temperature of 20° C
- (a) not less than 7 grams and not more than 28 grams of total sugars in terms of reducing sugars,
 - (b) not less than 0.20 gram and not more than 0.55 gram of ash, and
 - (c) not less than 0.015 gram and not more than 0.070 gram of phosphoric acid calculated as P₂O₅.
- B.11.048.** **Grapefruit Juice** shall be the fruit juice obtained from grapefruit, and shall contain in 100 millilitres measured at a temperature of 20° C
- (a) not less than 9.5 grams of soluble solids,
 - (b) not less than 1.0 gram and not more than 1.7 grams of acid calculated as anhydrous citric acid, and
 - (c) not less than 7 grams of soluble solids to each gram of acid calculated as anhydrous citric acid.
- B.11.049.** **Lemon Juice** shall be the fruit juice obtained from lemons and shall contain in 100 millilitres measured at 20° C not less than
- (a) 8.0 grams of soluble solids, and
 - (b) 5.0 grams of anhydrous citric acid
- as determined by the methods employed by the Food and Drug Laboratories.

²⁴ See B.01.003 and B.16.010 to B.16.013.

²⁵ See B.11.052.

- B.11.050. Lime Juice (Lime Fruit Juice)** shall be the fruit juice obtained from lime fruit, and shall have a specific gravity (20° C/20° C) of not less than 1.030 and not more than 1.040, and shall contain in 100 millilitres measured at a temperature of 20° C not less than
- (a) 8 grams of soluble solids, and
 - (b) 6.4 grams of anhydrous citric acid,
- and its optical rotation determined at a temperature of 20° C using a column 200 millimetres in length shall lie between +0.5 and -1.5 degrees Ventzke
- B.11.051. Orange Juice** shall be the fruit juice obtained from sweet oranges, and shall contain in 100 millilitres measured at a temperature of 20° C
- (a) not less than 10 grams of soluble solids,
 - (b) not less than 0.5 gram and not more than 1.9 grams of anhydrous citric acid, and
 - (c) not less than 8 parts by weight of soluble solids to each part by weight of acid calculated as anhydrous citric acid.
- B.11.052. Carbonated Apple Juice (Sparkling Apple Juice)** shall be apple juice that is impregnated with carbon dioxide under pressure.
- B.11.053. Carbonated Grape Juice (Sparkling Grape Juice)** shall be grape juice that is impregnated with carbon dioxide under pressure.

Concentrated Fruit Juices

- B.11.055.** Concentrated fruit juice shall be fruit juice from which a considerable portion of the water has been removed, and with or without Class II preservative,²⁶ or food colour.²⁷
- B.11.056.** No person shall sell a concentrated fruit juice unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a declaration of the proportion of water that has been removed from the juice from which it is obtained.

Sweet Fruit Juices

- B.11.061.** Sweet fruit juice or sweetened fruit juice shall be fruit juice to which has been added less than 15 per cent by weight of sugar, or dextrose, or a combination of these.
- B.11.062.** Fruit juice syrup shall be fruit juice to which has been added not less than 15 per cent by weight of sugar, or dextrose, or a combination of these.

Jams, Marmalades, Jellies

- B.11.065.** Subject to these regulations jam or marmalade shall be made by processing fruit, fruit pulp, or canned fruit with water and sweetening agent by boiling to a suitable consistency, and with or without the addition of
- (a) acid ingredient,
 - (b) Class II preservative²⁸
 - (c) food colour,²⁹ or
 - (d) pectin in the form of fruit juice or pectin preparation,
- and shall contain not less than 66 per cent of water-soluble solids as estimated by the refractometer.
- B.11.066.** No person shall sell marmalade that is not made from citrus fruit, pineapple, fig, or ginger.
- B.11.067.** No person shall sell jam described as pure, or genuine, or by any other term implying a product of first quality that contains
- (a) less than 45 per cent of fruit except where the fruit is strawberry when it shall contain not less than 52 per cent,
 - (b) less than 2.1 per cent of insoluble solids if the fruit is raspberry or less than 1.1 per cent of insoluble solids if the fruit is strawberry,

²⁶ See B.01.003 and B.16.010 to B.16.013.

²⁷ See B.01.003 and B.06.002.

²⁸ See B.01.003 and B.16.010 to B.16.013.

²⁹ See B.01.003 and B.06.002.

- (c) a sweetening agent other than sugar or invert sugar syrup, or
 - (d) apple or rhubarb,
- but it may contain in an amount that reasonably compensates for any deficiency in the natural acidity and pectin content of the fruit used in its preparation
- (e) acid ingredient consisting of
 - (i) citric, malic, or tartaric acid,
 - (ii) lemon or lime juice,
 - (iii) cider vinegar, or
 - (iv) any combination of these, and
 - (f) pectin.

B.11.068. (naming the fruit) Jam With Added Pectin shall be jam that contains

- (a) not less than 27 per cent of the named fruit except that where such fruit is strawberry when it shall contain not less than 32 per cent,
 - (b) where such named fruit is raspberry, not less than 1.2 per cent of insoluble solids and where such named fruit is strawberry, not less than 0.7 per cent of insoluble solids,
 - (c) a sweetening agent consisting of
 - (i) sugar,
 - (ii) invert sugar syrup, or
 - (iii) a combination by weight of not less than 75 per cent of sugar or invert sugar syrup and not more than 25 per cent of dextrose or glucose, and
 - (d) pectin, or pectinous preparation,
- and with or without
- (e) acid ingredient in an amount that reasonably compensates for any deficiency in the natural acidity of the fruit used in its preparation consisting of
 - (i) citric, malic, or tartaric acid,
 - (ii) lemon or lime juice,
 - (iii) cider vinegar, or
 - (iv) any combination of these,
 - (f) food colour,³⁰ or
 - (g) Class II preservative.³¹

B.11.069. No person shall sell a jam for which a standard is prescribed by B.11.068 that contains

- (a) apple, or
- (b) rhubarb.

B.11.070. Apple (or Rhubarb) and (naming the fruit) Jam shall be jam that contains

- (a) not less than 12.5 per cent of the named fruit except where such fruit is strawberry when it shall contain not less than 15 per cent,
 - (b) not less than 20 per cent of apple or rhubarb pulp, and
 - (c) a sweetening agent consisting of
 - (i) sugar,
 - (ii) invert sugar syrup, or
 - (iii) a combination by weight of not less than 75 per cent of sugar or invert sugar syrup and not more than 25 per cent of dextrose or glucose,
- and with or without
- (d) pectin, or pectinous preparation,
 - (e) acid ingredient in an amount that reasonably compensates for any deficiency in the natural acidity of the fruit used in its preparation, consisting of

³⁰ See B.01.003 and B.06.001.

³¹ See B.01.003 and B.16.010 to B.16.013.

- (i) citric, malic, or tartaric acid,
- (ii) lemon or lime juice,
- (iii) cider vinegar, or
- (iv) any combination of these,
- (f) food colour,³² or
- (g) Class II preservative.³³

B.11.071. No person shall sell a jam for which a standard is prescribed by B.11.070 that contains added pectin or pectinous preparation unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a declaration of such added substance.

B.11.072. No person shall sell a jam for which a standard is prescribed by B.11.070 that contains dextrose or glucose in excess of 25 per cent by weight of the sweetening agent unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a declaration of the presence of dextrose or glucose.

B.11.073. (naming the citrus fruit) Marmalade shall be the food of jelly-like consistency made from any combination of peel, pulp, and juice of the named citrus fruit by boiling with water and sugar or invert sugar syrup, and with or without an acid ingredient in an amount that reasonably compensates for any deficiency in the natural acidity of the citrus fruit used in its preparation, consisting of

- (a) citric, malic, or tartaric acid,
- (b) lemon or lime juice,
- (c) cider vinegar, or
- (d) any combination of these,

and shall contain not less than 65 per cent of water-soluble solids as estimated by the refractometer.

B.11.074. (naming the citrus fruit) Marmalade With Added Pectin shall contain

- (a) not less than 27 per cent of any combination of the peel, pulp, or juice of the named citrus fruit,
- (b) a sweetening agent consisting of
 - (i) sugar,
 - (ii) invert sugar syrup, or
 - (iii) a combination by weight of not less than 75 per cent of sugar or invert sugar syrup and not more than 25 per cent of dextrose or glucose,
- (c) not less than 65 per cent of water-soluble solids as estimated by the refractometer, and
- (d) pectin, or pectinous preparation, and with or without
- (e) acid ingredient in an amount that reasonably compensates for any deficiency in the natural acidity of the citrus fruit used in its preparation, consisting of
 - (i) citric, malic, or tartaric acid,
 - (ii) lemon or lime juice,
 - (iii) cider vinegar, or
 - (iv) any combination of these, or
- (f) Class II preservative.³⁴

B.11.075. Pineapple (Fig, or Ginger) Marmalade shall be the food made from the pulp and juice of pineapple, fig, or ginger by boiling with water and sugar or invert sugar syrup, and shall contain not less than

- (a) 45 per cent of pineapple, fig, or ginger, and
- (b) 65 per cent of water-soluble solids as estimated by the refractometer, and with or without, in an amount that reasonably compensates for any deficiency in the natural acidity or natural pectin content of the named fruit used in its preparation,

³² See B.01.003 and B.06.001.

³³ See B.01.003 and B.16.010 to B.16.013.

³⁴ See B.01.003 and B.16.010 to B.16.013.

- (c) acid ingredient consisting of
 - (i) citric, malic, or tartaric acid,
 - (ii) lemon or lime juice,
 - (iii) cider vinegar, or
 - (iv) any combination of these, or
- (d) pectin.

B.11.076. Pineapple (Fig or Ginger) Marmalade With Added Pectin shall contain

- (a) not less than 27 per cent of pineapple, fig, or ginger,
- (b) sweetening agent consisting of
 - (i) sugar,
 - (ii) invert sugar syrup, or
 - (iii) a combination by weight of not less than 75 per cent of sugar or invert sugar syrup and not more than 25 per cent of dextrose or glucose,
- (c) not less than 65 per cent of water-soluble solids as estimated by the refractometer, and
- (d) pectin, or pectinous preparation, and with or without
- (e) acid ingredient in an amount that reasonably compensates for any deficiency in the natural acidity of the named fruit used in its preparation, consisting of
 - (i) citric, malic, or tartaric acid,
 - (ii) lemon or lime juice,
 - (iii) cider vinegar, or
 - (iv) any combination of these,
- (f) food colour,³⁵ or
- (g) Class II preservative.³⁶

B.11.077. No person shall sell any marmalade described as pure, or genuine, or by any other term implying a product of first quality unless it meets the standard prescribed by B.11.073, or B.11.075.

B.11.078. (naming the fruit) Preserve (Conserve) shall be the food made by processing fruit other than apple or rhubarb with sugar or invert sugar syrup, and in its preparation not less than 45 pounds of the named fruit shall be used with each 55 pounds of sugar or its equivalent in invert sugar syrup, and shall contain not less than 60 per cent and not more than 65 per cent of water-soluble solids as estimated by the refractometer.

B.11.079. Subject to these regulations jelly shall be the semi-solid gelatinous food made from

- (a) the filtered or expressed liquor obtained by boiling clean, properly prepared fruit and water,
- (b) filtered or strained fruit juice, or
- (c) fruit juice concentrate that is made from whole fruit, and heated with sweetening agent, and with or without
- (d) acid ingredient,
- (e) juice of another fruit,
- (f) pectin or pectinous preparation,
- (g) gelling agent,
- (h) food colour,³⁵ or
- (i) Class II preservative³⁶

and shall contain not less than 62 per cent of water-soluble solids as estimated by the refractometer.

³⁵ See B.01.003 and B.06.001.

³⁶ See B.01.003 and B.16.010 to B.16.013.

B.11.080. No person shall sell any jelly described as pure, or genuine, or by any other term implying a product of first quality that contains any ingredient other than

- (a) the filtered or expressed liquor obtained by boiling the clean, properly prepared named fruit and water,
- (b) the filtered or strained juice of the named fruit, or
- (c) fruit juice concentrate that is prepared from the whole named fruit, and
- (d) sugar or invert sugar syrup,

except that there may be added in an amount that reasonably compensates for any deficiency in the natural acidity or natural pectin content of the fruit used in its preparation

- (e) acid ingredient consisting of
 - (i) citric, malic, or tartaric acid,
 - (ii) lemon or lime juice,
 - (iii) cider vinegar, or
 - (iv) any combination of these, and
- (f) pectin.

B.11.081. (naming the fruit) Jelly With Added Pectin shall contain

- (a) not less than the equivalent of 32 per cent of juice of the named fruit,
 - (b) a sweetening agent consisting of
 - (i) sugar,
 - (ii) invert sugar syrup, or
 - (iii) a combination by weight of not less than 75 per cent of sugar or invert sugar syrup and not more than 25 per cent of dextrose or glucose,
 - (c) not less than 62 per cent of water-soluble solids as estimated by the refractometer, and
 - (d) pectin, or pectinous preparation,
- and with or without
- (e) acid ingredient in an amount that reasonably compensates for any deficiency in the natural acidity of the fruit used in its preparation, consisting of
 - (i) citric, malic, or tartaric acid,
 - (ii) lemon or lime juice,
 - (iii) cider vinegar, or
 - (iv) any combination of these,
 - (f) gelling agent,
 - (g) food colour,³⁷ or
 - (h) Class II preservative.³⁸

B.11.082. Cranberry Sauce (Jellied Cranberry) shall be jam made from cranberries and notwithstanding the provisions of B.11.065 it may contain less than 66 per cent of water-soluble solids.

B.11.083. Cranberry Jelly shall be jelly made from cranberries and notwithstanding the provisions of B.11.079 may contain less than 62 per cent of water-soluble solids.

B.11.084. Mint Jelly (Jellied Mint) shall be prepared from

- (a) mint juice, with or without mint leaves,
- (b) apple juice or pectin or pectinous preparation, and
- (c) sweetening agent consisting of
 - (i) sugar,
 - (ii) invert sugar syrup, or
 - (iii) a combination by weight of not less than 75 per cent of sugar or invert sugar syrup and not more than 25 per cent of dextrose or glucose,

³⁷ See B.01.003 and B.06.001.

³⁸ See B.01.003 and B.16.010 to B.16.013.

and with or without

- (d) food colour,⁴⁰
- (e) flavouring preparation,³⁹ or
- (f) acid ingredient consisting of
 - (i) citric, malic, or tartaric acid,
 - (ii) lemon or lime juice,
 - (iii) cider vinegar, or
 - (iv) any combination of these.

Pie Fillers

B.11.091. Apple Pie Filler shall be the food prepared from

- (a) sound, mature apples, free from insect or surface injury, properly peeled, cored and trimmed as segments or rings, and
 - (b) sugar
- and with or without
- (c) dextrose or glucose,
 - (d) Class II preservative,⁴² or
 - (e) thickener
- and shall contain not less than 20 per cent of water-soluble solids as estimated by the refractometer.

B.11.092. Bakers Fruit Filler shall be the food prepared from

- (a) any combination of fruit,
 - (b) sugar,
 - (c) dextrose or glucose, and
 - (d) pectin or pectinous preparation
- and with or without
- (e) food colour,⁴⁰
 - (f) flavouring preparation,⁴¹
 - (g) Class II preservative,⁴² or
 - (h) thickeners.

B.11.093. No person shall sell apple pie filler or bakers fruit filler containing more than one thickener, and unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the name of such thickener.

B.11.094. No person shall sell apple pie filler or bakers fruit filler containing dextrose or glucose in excess of 25 per cent by weight of the total sweetening agent present unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the declaration of the presence of such dextrose or glucose.

B.11.095. No person shall sell bakers fruit filler unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the name of the fruit used in its preparation.

B.11.096. Mince (Mince Meat, Fruit Mince) shall be the food prepared from

- (a) suet,
 - (b) apple,
 - (c) fruit or dried fruit,
 - (d) salt,
 - (e) spices, and
 - (f) sweetening agent,
- and with or without
- (g) vinegar,
 - (h) fresh, concentrated, or fermented fruit juice,
 - (i) spirituous liquor,
 - (j) nuts,

³⁹ See B.01.003 and B.10.001.

⁴⁰ See B.01.003 and B.06.001.

⁴¹ See B.01.003 and B.10.001.

⁴² See B.01.003 and B.16.010 to B.16.013.

- (k) cooked meat, and
- (l) Class II preservative.⁴³

Boiled Cider

B.11.097. Boiled Cider shall be the liquid expressed from whole apples, apple cores, apple trimmings, or apple culls, that is concentrated by boiling.

Division 12

Gelling Agents

B.12.001. The foods referred to in this DIVISION are included within the term *gelling agent*.

B.12.002. Gelatin (Edible Gelatin) shall be the purified food obtained by extracting with boiling water certain tissues such as skin, ligaments and bones, from sound animals, and, when tested by the methods employed by the Food and Drug Laboratories, it

- (a) shall be free from objectionable odour when in warm aqueous solution,
- (b) shall contain not less than 82 per cent of ash-free solids, and
- (c) shall not contain more than
 - (i) 2.6 per cent of ash on the dry basis, or
 - (ii) 500 parts per million of sulphurous acid including salts thereof, calculated as sulphur dioxide.

B.12.003. When tested by the method employed by the Laboratory of Hygiene gelatin shall not show the presence of more than 10,000 bacteria per gram and coliform bacteria shall not be evident in 0.01 gram.

B.12.004. Agar (Agar-Agar) shall be the dried, purified, mucilaginous food obtained by aqueous extraction of seaweeds of different species of *Gelidium*, and shall contain on the dry basis not more than

- (a) 7 per cent of total ash, and
 - (b) 1 per cent of ash insoluble in hydrochloric acid,
- and shall yield with water a practically colourless and tasteless solution.

B.12.005. Irish Moss Gelose (Carrageen, Carrageenin) shall be the dried, purified, mucilaginous food obtained by aqueous extraction of seaweeds of the species *Chondrus crispus*, and shall yield with water a practically clear, colourless, and tasteless solution.

Division 13

Grain and Bakery Products

B.13.001. Grain shall be the fully matured, air-dry seed of wheat, maize, rice, oats, rye, buckwheat, barley, sorghum, millet, or spelt.

B.13.002. Meal shall be made by grinding grain.

B.13.003. Flour, White Flour shall be the food prepared by the grinding and bolting of cleaned, milling grades of wheat, and shall

- (a) be free from bran coat and germ to such content that the percentage of ash therein, calculated on a moisture-free basis, does not exceed 1.20 per cent,
 - (b) have a moisture content not in excess of 15 per cent, and
 - (c) have been bolted through cloth having openings not larger than those of woven wire cloth designated "149 microns (No. 100)".
- to which may be added
- (d) malted wheat flour,
 - (e) malted barley flour in an amount not exceeding 0.50 per cent of the weight of the flour,
 - (f) harmless preparations of enzymes obtained from *Aspergillus oryzae*.

⁴³ See B.01.003 and B.16.010 to B.16.013.

- (g) oxides of nitrogen,
 - (h) chlorine,
 - (i) chlorine dioxide,
 - (j) nitrosyl chloride,
 - (k) benzoyl peroxide mixed with not more than six part by weight of one or a mixture of two or more of
 - (i) calcium carbonate,
 - (ii) calcium sulphate,
 - (iii) dicalcium phosphate,
 - (iv) magnesium carbonate,
 - (v) potassium aluminium sulphate,
 - (vi) sodium aluminium sulphate,
 - (vii) starch, and
 - (viii) tricalcium phosphate,
- in an amount not exceeding 100 parts of benzoyl peroxide for each 1 million parts of flour,
- (l) potassium bromate in an amount not exceeding 50 parts for each 1 million parts of flour, and
 - (m) ammonium persulphate in an amount not exceeding 250 parts for each 1 million parts of flour.

B.13.004. Enriched Flour, Enriched White Flour shall be flour to which has been added thiamine, riboflavin, niacin and iron in a harmless carrier and in such amounts that one pound of enriched flour shall contain

- (a) not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine,
- (b) not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin,
- (c) not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide,
- (d) not less than 13.0 milligrams and not more than 16.5 milligrams of iron,

and with or without calcium carbonate or edible bone meal in an amount that will provide in one pound of enriched flour not less than 500 milligrams and not more than 650 milligrams of calcium.

B.13.005. Vitamin B White Flour (Canada Approved) shall be flour and shall

- (a) retain in the process of milling a high proportion of the vitamins naturally occurring in the original wheat berry,
 - (b) constitute not less than 70 per cent by weight of the wheat from which it is milled, and
 - (c) be bolted through at least one cloth the openings of which are not larger than the openings of a woven wire cloth designated 149 microns (No. 100 sieve) which corresponds to 9XX bolting silk,
- and, on a moisture-free basis, shall contain
- (d) in one pound an amount of the vitamin B complex that will contribute not less than 1.2 milligrams of thiamine, and
 - (e) not more than 0.70 per cent and not less than 0.61 per cent of ash.

B.13.006. Vitamin B White Flour (Canada Approved) to which has been added thiamine, riboflavin, niacin and iron in a harmless carrier, and in amounts equivalent to those required to produce enriched flour shall be designated *Enriched Vitamin B White Flour*.

B.13.007. Whole Wheat Flour, Entire Wheat Flour shall be the food prepared by the grinding and bolting of cleaned milling grades of wheat from which a part of the outer bran or epidermis layer may have been separated, and shall

- (a) contain the natural constituents of the wheat berry to the extent of not less than 95 per cent of the total weight of the wheat from which it is milled,
- (b) have an ash content, calculated on a moisture-free basis, of not less than 1.25 per cent and not more than 2.25 per cent,
- (c) have a moisture content not in excess of 15 per cent, and
- (d) have a degree of fineness such that not less than 90 per cent bolts freely through a No. 8 (2830 micron) sieve, and not less than 50 per cent through a No. 20 (840 micron) sieve,

to which may be added

- (e) malted wheat flour,
- (f) malted barley flour in an amount not exceeding 0.50 per cent of the weight of the flour,
- (g) harmless preparations of enzyme obtained from *Aspergillus oryzae*,
- (h) oxides of nitrogen,
- (i) chlorine,
- (j) chlorine dioxide,
- (k) nitrosyl chloride,
- (l) benzoyl peroxide mixed with not more than six parts by weight of one or a mixture of two or more of
 - (i) calcium carbonate,
 - (ii) calcium sulphate,
 - (iii) dicalcium phosphate,
 - (iv) magnesium carbonate,
 - (v) potassium aluminium sulphate,
 - (vi) sodium aluminium sulphate,
 - (vii) starch, and
 - (viii) tricalcium phosphate,

in an amount not exceeding 100 parts of benzoyl peroxide for each 1 million parts of flour,

- (m) potassium bromate in an amount not exceeding 50 parts for each 1 million parts of flour, and
- (n) ammonium persulphate in an amount not exceeding 250 parts for each 1 million parts of flour.

B.13.008. Graham Flour shall be the food prepared by blending or combining the various constituents of the wheat berry, and shall have an ash content, calculated on a moisture-free basis, of not less than 1.20 per cent and not more than 2.25 per cent.

B.13.009. Crushed Wheat, Coarse Ground Wheat shall be the food prepared by so crushing cleaned wheat that 40 per cent or more passes through a No. 8 (2380 micron) sieve and less than 50 per cent through a No. 20 (840 micron) sieve, the proportions of the natural constituents of such wheat, other than moisture, remaining unaltered, and shall have

- (a) an ash content, calculated on a moisture-free basis, of not less than 1.50 per cent and not more than 2.25 per cent, and
- (b) a moisture content not in excess of 15.5 per cent.

B.13.010. Cracked Wheat shall be the food prepared by so cracking or cutting cleaned wheat into angular fragments that not less than 90 per cent passes through a No. 8 (2380 micron) sieve and not more than 20 per cent through a No. 20 (840 micron) sieve, the proportions of the natural constituents of such wheat, other than moisture, remaining unaltered, and shall have

- (a) an ash content, calculated on a moisture-free basis, of not less than 1.50 per cent and not more than 2.25 per cent, and
- (b) a moisture content not in excess of 15.5 per cent.

- B.13.011.** No person shall sell flour, enriched flour, vitamin B white flour (Canada Approved), enriched vitamin B white flour, whole wheat flour or graham flour containing or on which have been used oxides of nitrogen, chlorine, chlorine dioxide, nitrosyl chloride or benzoyl peroxide unless
- (a) the quantity of such ingredients added be not more than sufficient for bleaching, or in case such ingredient has an artificial aging effect, not more than sufficient for bleaching and such artificial aging effect, and
 - (b) the main panel of both the inner and the outer labels of every package thereof carries, legibly and conspicuously, the word "Bleached" in juxtaposition with the name of the food.
- B.13.012.** No person shall sell flour, enriched flour, vitamin B white flour (Canada Approved) enriched vitamin B white flour, whole wheat flour, or graham flour containing, or on which has been used chlorine, chlorine dioxide, nitrosyl chloride, potassium bromate or ammonium persulphate unless the main panel of both the inner and the outer labels of every package thereof carries, legibly and conspicuously, the words "maturing agents added" in juxtaposition with the name of the food.
- B.13.013.** For the purpose of this DIVISION moisture, ash and fineness shall be determined by the methods employed by the Food and Drug Laboratories.
- B.13.014. Gluten** shall be made from flour by removal of starch and shall not contain more than 10 per cent of moisture, and on the dry basis shall contain
- (a) not less than 14.2 per cent of organic nitrogen,
 - (b) not more than 15.0 per cent of nitrogen-free extract, calculated from a protein factor of 5.7, and
 - (c) not more than 5.5 per cent of starch as determined by the diastase method employed by the Food and Drug Laboratories.
- B.13.015. Gluten Flour** shall be made from flour by the removal of part of the starch and shall not contain more than 10 per cent of moisture, and on the dry basis shall contain
- (a) not less than 7.1 per cent of organic nitrogen,
 - (b) not more than 56 per cent of nitrogen-free extract, calculated from a protein factor of 5.7, and
 - (c) not more than 44 per cent of starch as determined by the diastase method employed by the Food and Drug Laboratories.
- B.13.016. Maize Meal (Corn Meal, Indian Meal)** shall be meal made from maize, and shall not contain more than
- (a) 14 per cent of moisture, and
 - (b) 1.6 per cent of ash,
- and shall contain not less than 1.12 per cent of organic nitrogen.
- B.13.017. Rice** shall be the hulled, or hulled and polished, seed of the rice plant.
- B.13.018. Rice Flour** shall be the fine product made by bolting rice meal and shall not contain more than
- (a) 15 per cent of moisture, and
 - (b) 1 per cent of ash,
- and shall contain not less than 1 per cent of organic nitrogen.
- B.13.019. Oatmeal** shall be made from hulled oats, and shall not contain more than
- (a) 12 per cent of moisture,
 - (b) 1.8 per cent of crude fibre, and
 - (c) 2.2 per cent of ash,
- and shall contain not less than 2 per cent of organic nitrogen.
- B.13.020. Rye Flour** shall be the fine product made by bolting rye meal, and shall not contain more than

- (a) 13.5 per cent of moisture, and
 - (b) 1.25 per cent of ash,
- and shall contain not less than 1.36 per cent of organic nitrogen.

B.13.021. Bread, White Bread shall be made by baking a yeast-leavened dough prepared with flour and water and with or without

- (a) salt,
- (b) shortening, lard, butter or margarine,
- (c) milk or milk product,
- (d) whole egg, egg-white, egg-yolk, (fresh, dried, or frozen),
- (e) sweetening agent,
- (f) malt syrup, malt extract, or malt flour,
- (g) inactive dried yeast of the genus *Saccharomyces cerevisiae* in an amount not greater than 2 parts for each 100 parts of flour used,
- (h) harmless preparations of enzymes obtained from *Aspergillus oryzae*,
- (i) oatmeal, corn flour, potato flour, rice flour, soy bean flour, barley flour, vegetable flours, corn starch, potato starch, wheat starch, any of which may be wholly or partially dextrinized, the total weight of such additions being not more than 5 parts for each 100 parts of flour used,
- (j) other parts of the wheat berry,
- (k) lecithin,
- (l) mono- and diglycerides of fat-forming fatty acids (except lauric acid), the weight of the monoglycerides being not more than 10 per cent, and the total weight of mono- and diglycerides being not more than 20 per cent of the combined weight of the fat and the mono- and diglycerides added,
- (m) ammonium sulphate, calcium carbonate, calcium lactate, calcium sulphate, diammonium phosphate, dicalcium phosphate, monammonium phosphate, potassium iodide, or any combination of two or more of these, the total weight thereof being not more than 0.25 part for each 100 parts of flour used,
- (n) monocalcium phosphate in an amount not greater than 0.75 part for each 100 parts of flour used,
- (o) potassium bromate, potassium iodate, calcium peroxide, ammonium persulphate, potassium persulphate, or any combination of two or more of these, the total weight thereof being not more than 0.0075 part for each 100 parts of flour used,
- (p) vinegar, and
- (q) Class III preservative.

B.13.022. Enriched Bread, Enriched White Bread shall be bread baked from a dough in which enriched flour is the only flour used, and shall contain not less than 2 per cent by weight of the flour used of skim milk solids, and shall contain in each pound not less than 1.1 milligrams and not more than 2.4 milligrams of thiamine, not less than 0.8 milligram and not more than 1.8 milligrams of riboflavin, not less than 10.0 milligrams and not more than 15.0 milligrams of niacin or niacinamide, and not less than 8.0 milligrams and not more than 12.5 milligrams of iron.

B.13.023. Vitamin B White Bread (Canada Approved) shall be bread baked from a dough in which Vitamin B White Flour (Canada Approved) is the only flour used and shall contain not less than

- (a) 4 per cent, of the weight of the flour, of skim milk solids, and
- (b) in one pound of the bread 0.54 milligrams of thiamine together with the attendant members of the vitamin B complex.

B.13.024. Vitamin B White Bread (Canada Approved) in the making of which enriched vitamin B white flour is the only flour used, shall be designated *Enriched Vitamin B White Bread*.

- B.13.025. Raisin Bread** shall be bread that contains in each pound of bread not less than 5 ounces of seeded or seedless raisins and currants of which not less than 3.5 ounces shall be raisins, and may contain spices, and peel.
- B.13.026. (naming the percentage) Whole Wheat Bread** shall be bread, with or without the addition of caramel, in the making of which the named percentage of the flour used shall be whole wheat flour.
- B.13.027.** No person shall sell (naming the percentage) whole wheat bread unless the percentage of whole wheat flour is not less than 60 per cent of the total weight of flour used.
- B.13.028. Brown Bread** shall be bread coloured by the use of whole wheat flour, graham flour, bran, molasses, or caramel or a combination of them.
- B.13.029.** No person shall sell brown bread unless the main panel of the label carries, legibly and conspicuously, the statements
- (a) "Made from (naming the percentage) per cent whole wheat flour" if whole wheat flour is used, otherwise the statement "Made without whole wheat flour", and
 - (b) "Coloured with (naming the molasses and/or caramel)" if molasses and/or caramel are used.
- B.13.030.** No person shall sell bread which includes in its title or trade name the name of any ingredient unless the named ingredient is present in a significant amount which amount shall be stated legibly and conspicuously upon the label in per cent by weight of the flour used.
- B.13.031.** Notwithstanding the provisions of B.13.021, specialty breads may contain
- (a) caraway seeds,
 - (b) cheese,
 - (c) cherries,
 - (d) cinnamon,
 - (e) dill,
 - (f) flax seed,
 - (g) nuts,
 - (h) peel,
 - (i) poppy seeds,
 - (j) rye flour, and
 - (k) sesame seeds,
- providing the presence and proportionate amount of such ingredient is stated legibly and conspicuously, upon the label.
- B.13.032.** No person shall sell for inclusion in bread any preparation containing an ingredient not named or described in this DIVISION as an ingredient of bread.
- B.13.033.** Sections B.13.004, B.13.006, B.13.022 and B.13.024 shall come into effect on January 1st, 1953, except in the province of Newfoundland in which they shall take effect as of July 1st, 1952.
- B.13.041. Gluten** shall be made from flour by removal of starch and shall not contain more than 10 per cent of moisture, and on the dry basis shall contain
- (a) not less than 14.2 per cent of organic nitrogen,
 - (b) not more than 15.0 per cent of nitrogen-free extract, calculated from a protein factor of 5.7, and
 - (c) not more than 5.5 per cent of starch as determined by the diastase method employed by the Food and Drug Laboratories.

- B.13.042. Gluten Flour** shall be made from flour by the removal of part of the starch and shall not contain more than 10 per cent of moisture, and on the dry basis shall contain
- (a) not less than 7.1 per cent of organic nitrogen,
 - (b) not more than 56 per cent of nitrogen-free extract, calculated from a protein factor of 5.7, and
 - (c) not more than 44 per cent of starch as determined by the diastase method employed by the Food and Drug Laboratories.
- B.13.043. Maize Meal (Corn Meal, Indian Meal)** shall be meal made maize, and shall not contain more than
- (a) 14 per cent of moisture, and
 - (b) 1.6 per cent of ash,
- and shall contain not less than 1.12 per cent of organic nitrogen.
- B.13.044. Rice** shall be the hulled, or hulled and polished, seed of the rice plant.
- B.13.045. Rice Flour** shall be the fine product made by bolting rice meal and shall not contain more than
- (a) 15 per cent of moisture, and
 - (b) 1 per cent of ash,
- and shall contain not less than 1 per cent of organic nitrogen.
- B.13.046. Oatmeal** shall be meal made from hulled oats, and shall not contain more than
- (a) 12 per cent of moisture,
 - (b) 1.8 per cent of crude fibre, and
 - (c) 2.2 per cent of ash,
- and shall contain not less than 2 per cent of organic nitrogen.
- B.13.047. Rye Flour** shall be the fine product made by bolting rye meal, and shall not contain more than
- (a) 13.5 per cent of moisture, and
 - (b) 1.35 per cent of ash,
- and shall contain not less than 1.36 per cent of organic nitrogen.
- B.13.048. Buckwheat Flour** shall be the fine product made by bolting meal, and shall not contain more than
- (a) 12 per cent of moisture, and
 - (b) 1.75 per cent of ash,
- and shall contain not less than 1.28 per cent of organic nitrogen.
- B.13.049. Corn Starch** shall be made from maize, and shall not contain more than
- (a) 13 per cent of moisture,
 - (b) 2 per cent of substances other than starch and moisture, and
 - (c) 1 per cent of ash,
- and shall contain not less than 84 per cent of actual starch.
- B.13.050.** No person shall sell as containing egg, any alimentary paste such as noodles, macaroni, spaghetti, unless such alimentary paste contains on the dry basis not less than 4 per cent by weight of egg-yolk solids derived from whole egg, dried egg, frozen egg, or egg-yolk.
- B.13.051. Special Dietary Foods** shall be breads, biscuits, cakes, or similar bakery products that contain not more than one-half as much glycogenic carbohydrates as the normal food of the same class.

Division 14

Meat, its Preparations and Products

B.14.001. In this DIVISION animal includes mammals, and other animals that are used as food, except marine animals and poultry.

B.14.002. Meat is the clean, dressed flesh, exclusive of the lips, snouts, and ears, of animals healthy at the time of slaughter, and includes the heart, tongue, diaphragm, oesophagus, and skeletal musculature with attendant tissues.

B.14.003. Meat by-product shall be the clean parts other than meat, but inclusive of the lips, snouts, and ears, derived from animals healthy at the time of slaughter, and includes the tissue residues from the processes whereby edible fats are dry-rendered.

B.14.004. Notwithstanding the provisions of B.14.002 and B.14.003 no person shall manufacture or sell as food, mucous membranes, any organ or portion of the genital system, black gut, spleens, udders, or any other organ or portion of an animal that is not commonly sold as an article of food.

B.14.005. Prepared meat or prepared meat by-product shall be meat or meat by-product whether comminuted or not that is preserved, canned, frozen, cooked, or any combination of the foregoing and, subject to these regulations, with or without any other ingredient, and shall include meat or meat by-product to which, subject to these regulations, has been added any other ingredient.

B.14.006. A food that consists wholly or in part of a meat by-product or a prepared meat by-product shall be labelled, legibly and conspicuously,

(a) with the words "meat by-product", or

(b) with the name of the meat by-product in place of the words *meat by-product*.

B.14.007. Meat derivative shall be a food, other than meat or prepared meat, that is derived from meat or from bone.

B.14.008. In this DIVISION cereal means

(a) flour or meal prepared from grain or potato, but not from a legume, and

(b) bread, biscuit, or bakery products, but not those containing or made with a legume,

and includes,

(c) milk powder, skim milk powder, buttermilk powder, or powdered whey.

B.14.009. Sausage Binder (Sausage Filler, Meat Binder) shall be any combination of cereal, salt, sugar, dextrose, glucose, spices and other seasonings except tomato, that is used in the manufacture of prepared meat or prepared meat by-product.

B.14.010. No person shall sell sausage binder unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, adequate directions for use in accordance with the limits prescribed in this DIVISION for the cereal content of prepared meat or prepared meat by-product.

B.14.011. No person shall sell any meat, prepared meat, meat by-product, prepared meat by-product, or meat derivative that has in or upon it any preservative other than Class I preservative.⁴⁴

Meats, Meat By-products

B.14.015. No person shall sell any meat or meat by-product that contains a larger proportion of moisture than the meat or meat by-product normally contains.

B.14.016. Hamburg (Hamburg Steak) shall be comminuted beef.

⁴⁴ See B.16.009.

- B.14.017.** No person shall sell hamburg that contains fat
- (a) other than that normally adherent to the beef used, and
 - (b) in excess of 30 per cent by weight.
- B.14.018.** No person shall sell horse-meat or horse-meat by-product or any food containing these that is not legibly and conspicuously identified as such when offered or exposed for sale and if in package form unless the main panel of both the inner and the outer labels of every package thereof carries a declaration of the presence of horse-meat or of horse-meat by-product in characters no less legible and conspicuous than any other character upon such main panel.

Prepared Meats, Prepared Meat By-products

- B.14.030.** No person shall sell a prepared meat or a prepared meat by-product that contains
- (a) a larger proportion of moisture than the meat or meat by-product from which it is prepared contains when in its fresh condition,
 - (b) more than that amount of cereal,⁴⁵ sausage binder, spices, sugar, dextrose or glucose that is represented by 4 per cent of reducing sugars, calculated as dextrose, as determined by the acid hydrolysis method employed by the Food and Drug Laboratories, or
 - (c) more than 60 per cent of moisture where such prepared meat or prepared meat by-product contains cereal.
- B.14.031.** Where any meat or meat by-product is named upon the label of or in any advertisement for a prepared meat or prepared meat by-product for which a standard is prescribed such label or advertisement shall also carry a complete list of the meats, or the meat by-products, or both, in descending order of their proportionate content and such list may form part of the name of the prepared meat or prepared meat by-product.
- B.14.032.** Preserved meat or preserved meat by-product shall be unmixed cooked or uncooked meat or meat by-product, salted, pickled, corned, cured, or smoked, preserved by Class I preservative.⁴⁶
- B.14.033.** Canned meat shall be cooked meat preserved in a closed container.
- B.14.034.** Sausage (Sausage Meat, Sausage Pudding) shall be comminuted meat, either fresh or preserved, with added salt and spices, and with or without
- (a) animal fat,
 - (b) cereal,⁴⁵
 - (c) beef tripe,
 - (d) liver,
 - (e) fresh blood from neat cattle, or
 - (f) sugar, dextrose, or glucose,
- and with or without subsequent smoking or cooking, and whether enclosed in a container or not, and any material used as a container for sausage shall be clean and sound and shall impart to the contents no substance other than salt.
- B.14.035.** Blood Sausage (Blood Pudding) shall be sausage to which has been added clean, fresh blood from neat cattle in good health at the time of slaughter.
- B.14.036.** Potted Meat (Meat Paste, Meat Spread) shall be comminuted and cooked, fresh or preserved meat, with or without cereal⁴⁵, salt, and spices, contained in suitable closed containers.
- B.14.037.** Potted Meat By-Product (Meat By-Product Paste, Meat By-Product Spread) shall be made wholly or in part from comminuted and cooked meat by-products and shall otherwise conform to the standard prescribed for potted meat.

⁴⁵ See B.14.008.

⁴⁶ See B.16.009.

- B.14.038. Meat Loaf (Meat Roll, Meat Lunch, Luncheon Meat)** shall be a combination of comminuted, cooked, fresh or preserved meat, with or without cereal⁴⁶, salt, spices, milk, or eggs, pressed into shape.
- B.14.039. Meat By-Product Loaf, Meat and Meat By-Product Loaf** shall be made respectively, wholly or in part, from comminuted and cooked meat by-products and shall otherwise conform to the standard prescribed for meat loaf.
- B.14.040.** Any person may use the name of the meat or meat by-product in place of the word *meat* or the words *meat by-product* in naming a prepared meat or prepared meat by-product.
- B.14.041. Head Cheese** shall be the comminuted, cooked, edible parts of swine or other animals, and shall contain
- (a) not less than 50 per cent of head meat,
 - (b) no skin other than that naturally adherent to the pork meat used, and may be prepared with or without added gelatin.
- B.14.042.** Brawn shall be head cheese except that it need not contain 50 per cent of head meat.
- B.14.043.** No person shall sell head cheese or brawn containing added gelatin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a declaration of the presence of added gelatin.

Meat Derivatives

- B.14.060. Meat Extract** shall be obtained by extracting fresh meat with water and concentrating the liquid portion by evaporation after the removal of fat, and shall contain not less than 75 per cent of total solids, and the solids shall contain
- (a) not more than
 - (i) 12 per cent of sodium chloride calculated from the total chloride present,
 - (ii) 0.6 per cent of fat, and
 - (iii) 27 per cent of ash, and
 - (b) not less than 8 per cent of nitrogen, and the nitrogenous compounds shall contain not less than
 - (i) 40 per cent of total meat bases, and
 - (ii) 10 per cent of creatin and creatinin.
- B.14.061. Fluid Meat Extract** shall be meat extract except that it shall be less concentrated and shall contain not more than 75 per cent and not less than 50 per cent of total solids.
- B.14.062. Bone Extract (Stock)** shall be the food obtained by extracting with boiling water clean, fresh, trimmed bones of animals healthy at the time of slaughter, and concentrating the liquid portion by evaporation after removal of the fat, and shall contain not less than 75 per cent of total solids.
- B.14.063. Fluid Bone Extract** shall be bone extract except that it shall be less concentrated and shall contain not more than 75 per cent and not less than 50 per cent of total solids.
- B.14.064. Meat Juice** shall be the fluid portion of muscle fibre obtained by pressure or otherwise, that may be concentrated by evaporation at a temperature below the coagulating point of the soluble proteins, and the solids shall contain
- (a) not more than 2.5 per cent of sodium chloride calculated from the total chloride present,
 - (b) not more than 15 per cent of ash,
 - (c) not more than 4 per cent and not less than 2 per cent of phosphorus calculated as phosphorus pentoxide, and

⁴⁶ See B.16.008.

(d) not less than 12 per cent of nitrogen, and the nitrogenous compounds shall contain

(i) not less than 35 per cent of coagulable protein, and

(ii) not more than 40 per cent of meat bases.

B.14.065. Edible Bone Meal, Edible Bone Flour shall be the food product prepared by grinding dry, defatted bones obtained from animals healthy at the time of slaughter and

(a) shall contain not less than 85 per cent by weight of ash,

(b) shall not contain more than 1,000 bacteria per gram, and

(c) *Escherichia coli* shall be absent from 1 gram,

as determined by the methods employed by the Food and Drug Laboratories.

Division 15

Poisonous Substances in Food

B.15.001. No person shall sell any food that has in or upon it any poisonous or injurious ingredient or substance.

B.15.002. No person shall sell any package of food the container of which may yield to the contents thereof any poisonous or injurious substance.

B.15.003. Subject to these regulations food shall not be deemed to be adulterated within the meaning of the Act if it contains in or upon it, any of the poisonous or injurious substances included in tables A and B of this section in amounts not exceeding the quantities stated for each of the named foods.

TABLE A

Food	Parts per Million				
	Arsenic	Lead	Copper	Zinc	Fluorine
Citric Acid	1	10	50	50	2
Tartaric Acid	1	10	50	50	2
Cream of Tartar	2	20	50	50	2
Sodium Bicarbonate	2	5	50	50	2
Baking Powder	2	10	50	50	10
Phosphoric Acid	4	5	30	30	20
Calcium Phosphate	4	5	30	30	30
Sodium, Potassium and Ammonium Phosphates	4	5	30	30	20
Sodium and Potassium Nitrates	1	10	50	50	2
Sodium Nitrite	1	20	50	50	2
Compounds of Aluminium	3	10	50	50	2
Marine Animal Products	5	10	100	100	25
Liver	1	2	150	100	2
Fresh Fruits	2	7	50	50	2
Gelatin	2	7	30	100	2
Gelling Agents except Gelatine	2	20	50	200	2
Dried Herbs and Spices	5	10	50	50	20
Apple Juice, Cider, Wine and Beer	0.2	0.5	2	5	2
Fruit Juice except Apple Juice	0.1	0.2	2	5	1
Beverages as Consumed and Bottled Water	0.1	0.2	2	5	2
Tea	1	10	150	50	100
Edible Bone Meal	1	10	20	150	650
Other Foods	1	2	50	50	2

TABLE B

Food	Parts per Million
	Tin calc. as tin
Canned Foods in tinfoil containers	300

Division 16

Preservatives

B.16.001. The foods referred to in this DIVISION are included in the term *preservative*.

B.16.002. No person shall

- (a) use as a preservative in or upon food, or
- (b) sell as a preservative for food

any substance other than those designated in this DIVISION as Class I, Class II, Class III, or Class IV preservatives.

B.16.003. No person shall sell for use as a preservative for food a Class II, Class III, or Class IV preservative, or any combination thereof unless both the inner and the outer labels of every package of such preservative carry, legibly and conspicuously,

- (a) a quantitative statement of composition, and
- (b) adequate directions for use in accord with the limits prescribed for such preservative in this DIVISION.

B.16.004. No person shall use a preservative in milk.

B.16.005. No person shall sell a preservative for use in milk.

B.16.006. No person shall use a preservative in or upon a food for which a standard is prescribed unless such preservative is one of the optional ingredients mentioned in such standard.

B.16.007. Notwithstanding sub-paragraph (ii) of paragraph (a) of B.01.003 no label declaration is required for the presence of sulphurous acid, including salts thereof, in or upon

- (a) glucose,
- (b) (naming the source of the glucose) syrup,
- (c) confectionery containing glucose,
- (d) molasses,
- (e) refiners' syrup,
- (f) sugar-cane syrup, or
- (g) wine.

B.16.008. Notwithstanding sub-paragraph (ii) of paragraph (a) of B.01.003 no label declaration is required for the presence of Class III preservative in or upon

- (a) bread,
- (b) bakery products, or
- (c) process cheese.

B.16.009. Class I preservatives shall be

- (a) common salt,
- (b) sugar,
- (c) dextrose,
- (d) glucose,
- (e) potassium nitrate,
- (f) sodium nitrate,
- (g) wood smoke,
- (h) vinegar,
- (i) spices, and
- (j) alcohol,

and in cured meats and fresh fish only sodium nitrite of which the proportion shall not exceed 200 parts per million of a finished food.

B.16.010. Class II preservatives shall be

- (a) benzoic acid, including salts thereof, and
- (b) sulphurous acid, including salts thereof.

B.16.011. No person shall use in or upon a food more than one Class II preservative.

B.16.012. No person shall use in or upon a food more than 1,000 parts per million of benzoic acid.

B.16.013. Subject to these regulations no person shall use sulphurous acid, calculated as sulphur dioxide, in amounts greater than

- (a) 100 parts per million in or upon beverages,
- (b) 2,500 parts per million in or upon dried fruits and vegetables, or
- (c) 500 parts per million in or upon other foods.

B.16.014. Class III preservatives shall be

- (a) propionic acid, including salts thereof, and
- (b) sodium diacetate.

B.16.015. No person shall use in or upon a food more than

- (a) 2,000 parts per million of propionic acid, or
- (b) 3,000 parts per million of sodium diacetate.

11. By revoking sections B.16.016 and B.16.017 and by substituting therefor the following new sections B.16.016 and B.16.017 and adding a new section B.16.018:

B.16.016. Class IV preservatives shall be antioxidants being

- (a) gum guaiacum,
- (b) vegetable oil containing tocopherols,
- (c) lecithin,
- (d) citric, tartaric, or ascorbic acid,
- (e) propyl gallate,
- (f) butylated hydroxyanisole (a mixture of 2-tertiarybutyl-4-hydroxyanisole and 3-tertiarybutyl-4-hydroxyanisole),
- (g) ascorbyl palmitate, and
- (h) nordihydroguaiaretic acid.

B.16.017. No person shall use in or upon a food Class IV preservative singly or in combination in an amount by weight of the finished product greater than 0.2 per cent except that in the case of

- (a) propyl gallate the amount shall not be greater than 0.01 per cent,
- (b) butylated hydroxyanisole the amount shall not be greater than 0.02 per cent, and
- (c) nordihydroguaiaretic acid the amount shall not be greater than 0.005 per cent.

B.16.018. No person shall use in or upon a food both propyl gallate and nordihydroguaiaretic acid.

Division 17

Salt

B.17.001. Salt shall be crystalline sodium chloride and shall not contain more than

- (a) 1.4 per cent of calcium sulphate, and
- (b) 0.1 per cent of other impurities.

B.17.002. Free-Running Salt shall be fine-grained salt to which has been added not more than 1 per cent of material to prevent it from setting or caking.

- B.17.003.** Notwithstanding the provisions of B.17.002 **Free-Running Flour Salt** shall be fine-grained salt to which has been added not more than 2 per cent of material to prevent it from setting or caking.
- B.17.004.** No person shall sell salt or free-running salt for table or general household use unless
- (a) such salt contains 0.01 per cent of potassium iodide, and
 - (b) the presence of iodine is declared legibly and conspicuously on the main panel of both the inner and the outer labels.

Division 18

Sweetening Agents

- B.18.001.** The foods referred to in this Division are included within the term *sweetening agent*.
- B.18.002.** **Sugar** is the food chemically known as sucrose, and if sold as granulated, loaf, cut, milled, or powdered sugar shall contain not less than 99.5 per cent of sucrose.
- B.18.003.** **Icing Sugar** shall be powdered sugar with or without
- (a) added colour,⁴⁷ or
 - (b) not more than 5 per cent by weight of starch.
- B.18.004.** **Brown Sugar (Yellow Sugar, Golden Sugar)** shall be the soft food made by the partial refinement of the juice of the sugar cane or other sugar producing plant, and shall not contain more than
- (a) 4.5 per cent of moisture, and
 - (b) 1.5 per cent of ash,
- and shall contain not less than 90 per cent of sucrose as estimated by the polarimeter.
- B.18.005.** **Molasses** shall be
- (a) the mother liquor obtained by evaporating the juice of the sugar cane until a large proportion of the sugar has been separated by crystallization, or
 - (b) the syrupy food obtained by evaporation and partial inversion of the juice of the sugar cane which juice may or may not be clarified with or without the addition of sulphurous acid,⁴⁸
- and shall not contain more than
- (c) 25 per cent of moisture, and
 - (d) 9 per cent of sulphated ash,
- and where the sulphated ash content does not exceed 3 per cent it may be called **Table Molasses**.
- B.18.006.** **Refiners' Syrup, Refiners' Molasses** shall be the residual liquid food obtained in the process of refining raw sugar, with or without the addition of sulphurous acid⁴⁸ and shall not contain more than
- (a) 25 per cent of moisture, and
 - (b) 10 per cent of sulphated ash.
- B.18.007.** **Sugar-cane Syrup** shall be made by the evaporation of the juice of the sugar cane or by the solution of sugar-cane concrete, with or without the addition of sulphurous acid,⁴⁸ and shall not contain more than
- (a) 25 per cent of moisture, and
 - (b) 3 per cent of sulphated ash.
- B.18.008.** **Sorghum Syrup** shall be made by the evaporation of sorghum juice, or by the solution of sorghum concrete, and shall not contain more than
- (a) 30 per cent of moisture, and
 - (b) 2.5 per cent of ash.
- B.18.009.** **Sugar Syrup (Syrup)** shall be a solution of sugar in water and shall not contain more than 35 per cent of moisture.

⁴⁷ See B.06.005.

⁴⁸ See B.16.007.

B.18.010. (naming the flavour) Flavoured Syrup shall be a solution of sugar, dextrose, or a combination of these to which has been added a flavouring preparation and with or without

- (a) citric, tartaric or malic acid, or any combination of these,
- (b) food colour,
- (c) Class II preservative,⁴⁹ or
- (d) emulsifiers,

and shall contain not more than 35 per cent of moisture.

B.18.011. Notwithstanding the provisions of B.18.010 (naming the flavour) flavoured syrup that contains more than 35 per cent of moisture may be sold provided that both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the total amount of sugar and dextrose contained therein in terms of per cent by weight.

Dextrose, Glucose

B.18.015. For the purpose of Part B of these regulations **Dextrose** shall be the food chemically known as dextrose, and shall not contain more than 10 per cent of moisture.

B.18.016. **Glucose** shall be a thick, syrupy, nearly colourless food made by incomplete hydrolysis of starch or of a starch-containing substance, and shall not contain

- (a) more than 22 per cent of moisture,
 - (b) more than 1 per cent of ash, and
 - (c) less than 40 per cent of reducing sugars, calculated as dextrose on a moisture-free basis,
- and may contain sulphurous acid.⁵⁰

B.18.017. (naming the source of the glucose) Syrup shall be a combination of glucose with a sweetening agent, except honey, with or without the addition of a flavouring preparation, and shall not contain more than

- (a) 35 per cent of moisture, and
 - (b) 3 per cent of ash,
- and may contain sulphurous acid.⁵⁰

Honey

B.18.025. **Honey** shall be the food derived entirely from the work of bees operating upon the nectar of flowers and other sweet exudation of plants, and shall not contain more than

- (a) 20 per cent of moisture,
- (b) 5 per cent of sucrose, and
- (c) 0.25 per cent of ash,

and shall contain not less than 60 per cent of invert sugar.

B.18.026. No person shall use the word *honey* or any word, mark, illustration, or device that suggests honey on the label of any package of, or in any advertisement for, any food that resembles honey and that is not pure honey.

Division 19

Synthetic Sweeteners

B.19.001. No person shall use synthetic sweeteners such as saccharin in manufacturing food except food manufactured for the exclusive use of persons suffering from disease, and when synthetic sweeteners are so used their presence shall be legibly and conspicuously declared by name on the main panel of both the inner and the outer labels of the package containing the food together with the statement "Prepared for the exclusive use of persons suffering from disease".

B.19.002. No person shall sell any synthetic sweetener to the general public unless both the inner and the outer labels of every package of such synthetic sweetener carry, legibly and conspicuously, "(naming the synthetic sweetener) is a chemical substance without nutritive value. It should be used in moderation".

⁴⁹ See B.01.003 and B.16.010 to B.16.013.

⁵⁰ See B.16.007.

Division 20

Tea

- B.20.001.** **Tea** shall be the leaves and buds of various species of the genus *Thea* L., varieties of *Camellia Thea* Link, prepared by the usual trade processes.
- B.20.002.** **Black Tea** shall contain, on the dry basis, not less than 30 per cent of water-soluble extractive as determined by the method employed by the Food and Drug Laboratories, and not less than 4 per cent and not more than 7 per cent of total ash.
- B.20.003.** **Green Tea** shall contain, on the dry basis, not less than 33 per cent of water-soluble extractive as determined by the method employed by the Food and Drug Laboratories, and not less than 4 per cent and not more than 7 per cent of total ash.

Division 21

Vinegar

- B.21.001.** **Vinegar** shall be the liquid obtained by the acetous fermentation of an alcoholic liquid, and shall contain not less than 4.1 per cent or more than 12.3 per cent of acetic acid (CH_3COOH), and may be coloured by the addition of caramel.⁶¹
- B.21.002.** No person shall sell spirit vinegar, or any blended vinegar containing spirit vinegar, that contains caramel.
- B.21.003.** No person shall sell any vinegar that has been subjected to distillation after completion of the acetous fermentation unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of such distillation.
- B.21.004.** No person shall sell any vinegar the label of or advertisement for which makes any reference by any mark or device to the strength of the vinegar unless the label bears, legibly and conspicuously, a statement of the percentage strength or of the percentage content of acetic acid of such vinegar.
- B.21.005.** **Wine Vinegar** shall be vinegar made by the alcoholic and subsequent acetous fermentation of the juice of grapes.
- B.21.006.** **Spirit Vinegar (White Vinegar, Alcohol Vinegar, Grain Vinegar)** shall be vinegar made by the acetous fermentation of diluted distilled alcohol.
- B.21.007.** **Malt Vinegar** shall be vinegar made by the alcoholic and subsequent acetous fermentation of an infusion of malt undistilled prior to such fermentation with or without the addition of other cereals and shall be dextro-rotatory, and shall contain in 100 millilitres, measured at a temperature of 20° C, not less than
- (a) 1.8 grams of solids, and
 - (b) 0.2 grams of ash.
- B.21.008.** **Cider Vinegar (Apple Vinegar)** shall be vinegar made by the alcoholic and subsequent acetous fermentation of the liquid expressed from whole apples, apple cores, apple trimmings, or apple culls.
- B.21.009.** **(naming the source) Vinegar** shall be vinegar made from alcoholic liquids from various sources.
- B.21.010.** **Blended Vinegar** shall be a combination of two or more varieties of vinegar of which spirit vinegar shall not constitute more than 55 per cent by volume.
- B.21.011.** No person shall name any of the varieties of vinegar forming a blended vinegar unless both the inner and the outer labels of every package of such blended vinegar carry, legibly and conspicuously, a complete list of all the varieties of vinegar present, in descending order of proportionate content.

⁶¹ See B.06.006.

Division 22

Bottled Water

- B.22.001.** The foods referred to in this Division when offered for sale in special containers under a trade or proprietary brand or name are included within the term *bottled water*.
- B.22.002.** **Table Water** shall be bottled water characterized by exceptional purity or by containing material that renders it peculiarly suitable for table use.
- B.22.003.** **Mineral Water** shall be bottled water characterized by having in solution notable amounts of mineral matter on account of which mildly hygienic or therapeutic properties are claimed, and where it is not specially active physiologically it may be designated in the alternative as table water.
- B.22.004.** Natural bottled water shall be bottled water that is bottled without modification other than filtration and if its composition closely approximates that of water from a well-known source it may be designated by the name of such source provided the name of the said source is followed by the word *type* in identical type on identical background.
- B.22.005.** No person shall sell any natural bottled water unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the name and location of the actual place of production.
- B.22.006.** Artificial mineral water shall be bottled water prepared by dissolving salts in water, or by subjecting natural water to such treatment as carbonation, sterilization, or dilution, or by diluting a concentrate obtained from or supposed to be characteristic of a specified source.
- B.22.007.** No person shall sell an artificial mineral water unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,
- (a) the word *artificial* in type of the same size and visibility as the words *mineral water*, or
 - (b) a statement of the nature of the treatment,
- and where the treatment is a dilution with water of lower mineral content
- (c) a statement of the degree of such dilution, that is to say the volumes of water of lower mineral content per 100 volumes of water of higher mineral content,
- and where the composition of artificial bottled water closely approximates that of water from a well-known source such labels may carry the name of such source provided that
- (d) the name of the said source is followed by the word *type* in identical type on identical background, and
 - (e) the name of the said source and the word *type* shall be in type no larger and no more conspicuous than the words *artificial mineral water*.

Division 23

Marine Animal Products

- B.23.001.** The foods referred to in this Division are included in the term *marine animal products*.
- B.23.002.** In this Division marine animal includes
- (a) fish, crustaceans, molluscs, and
 - (b) marine mammals.
- B.23.003.** In this Division
- (a) fish, except where the context otherwise requires, is the clean, dressed, edible portion of fish, crustaceans and molluscs,
 - (b) meat is the clean, dressed flesh of marine mammals,
 - (c) meat by-product shall be the clean parts, other than meat, derived from marine mammals.

- B.23.004.** Notwithstanding the provisions of B.23.003, no person shall manufacture or sell as food mucous membranes, any organ or portion of the genital system, or any organ or portion of a marine mammal that is not commonly sold as an article of food.
- B.23.005.** Prepared fish, prepared meat, or prepared meat by-product shall be fish, meat, or meat by-product, whether comminuted or not, that is preserved, canned, frozen, cooked, or any combination of the foregoing and, subject to these regulations, with or without any other ingredient, and shall include fish, meat, or meat by-product to which, subject to these regulations, has been added any other ingredient.
- B.23.006.** A food that consists wholly or in part of a meat by-product shall be labelled, legibly and conspicuously,
- (a) with the words "meat by-product", or
 - (b) with the name of the meat by-product in place of the words *meat by-product*.
- B.23.007.** Fish derivative or meat derivative shall be a food other than fish, meat, or prepared meat that is derived respectively from fish, from meat, or from bone.
- B.23.008.** In this DIVISION cereal means
- (a) flour or meal prepared from grain or potato, but not from a legume, and
 - (b) bread, biscuit, or bakery products, but not those containing or made with a legume,
- and includes
- (c) milk powder, skim milk powder, buttermilk powder, and powdered whey.
- B.23.009.** **Fish Binder** shall be any combination of cereal,⁵² salt, sugar, dextrose, glucose, spices, and other seasonings that is used in the preparation of prepared fish.
- B.23.010.** **Sausage Binder** shall be any combination of cereal,⁵² salt, sugar, dextrose, glucose, spices, and other seasonings, that is used in the manufacture of prepared meat or prepared meat by-product.
- B.23.011.** No person shall sell fish binder or fish sausage binder unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, adequate directions for use in accordance with the limits prescribed in this DIVISION for the cereal content of prepared fish, prepared meat, or prepared meat by-product.

Fish

- B.23.015.** No person shall sell fish that contains a larger proportion of moisture than the fish normally contains,
- B.23.016.** Shucked oysters shall be the flesh of oysters removed from the shell.
- B.23.017.** No person shall sell shucked oysters that contain more than 10 per cent of fluid separable by draining for 5 minutes through a 10-mesh sieve (designated 1680 Microns in the Canadian Government Purchasing Standards Specifications 8-GP-1).

Prepared Fish

- B.23.030.** No person shall sell prepared fish that contains
- (a) a larger proportion of moisture than the fish from which it is prepared contains when in its fresh condition, or
 - (b) more than that amount of cereal,⁵² sausage binder, spices, sugar, dextrose, or glucose that is represented by 4 per cent* of reducing sugars, calculated as dextrose, as determined by the acid hydrolysis method employed by the Food and Drug Laboratories.

⁵² See B.23.008.

- B.23.031.** No person shall sell prepared fish that contains more than 70 per cent of moisture where such prepared fish contains cereal.
- B.23.032.** Where any fish is named upon the label of or in any advertisement for a prepared fish for which a standard is prescribed such label or advertisement shall carry also a complete list of all fish used, in descending order of proportionate content, and such list may form part of the name of the prepared fish.
- B.23.033.** Preserved fish shall be unmixed cooked or uncooked fish, salted, pickled, corned, cured, or smoked, preserved by a Class I preservative.⁵³
- B.23.034.** Canned fish, crustaceans, or molluscs shall be fish, crustaceans, or molluscs processed or preserved, and packed in hermetically sealed containers.
- B.23.035. Fish Sausage (Fish Sausage Meat)** shall be comminuted fish either fresh or preserved, with added salt and spices, and with or without
- (a) animal fat,
 - (b) cereal,⁵⁴ or
 - (c) sugar, dextrose, or glucose,
- and with or without subsequent smoking or cooking, and whether enclosed in a container or not, and any material used as a container for fish sausage shall be clean and sound and shall impart to the contents no substance other than salt.
- B.23.036. Potted Fish (Fish Paste, Fish Spread)** shall be comminuted and cooked, fresh or preserved fish, with or without cereal,⁵⁴ salt, and spices, contained in suitable closed containers.
- B.23.037. Fish Loaf (Fish Roll, Fish Lunch)** shall be a combination of comminuted, cooked, fresh or preserved fish, with or without cereal,⁵⁴ salt, spices, milk, or eggs, pressed into shape.
- B.23.038.** Subject to these regulations any person may use the name of the fish in place of the word *fish* in naming a prepared fish product.
- B.23.039.** No person shall sell any fish, meat, meat by-product, prepared fish, prepared meat, prepared meat by-product, or meat derivative that has in or upon it any preservative other than Class I preservative.⁵³

Division 24

Poultry, Poultry Meat, their Preparations and Products

- B.24.001.** Poultry means any bird that is commonly used as food.
- B.24.002.** Dressed poultry means poultry from which blood and feathers have been removed but does not include eviscerated poultry.
- B.24.003.** Eviscerated poultry means dressed poultry from which the head, the legs at the hock joint, and all entrails and internal organs have been completely removed.
- B.24.004.** Poultry meat shall be the clean, dressed flesh of eviscerated poultry, healthy at the time of slaughter, exclusive of the giblets.
- B.24.005.** Poultry meat by-product shall be the clean parts of poultry other than poultry meat commonly used as food and includes the giblets but excludes the oesophagus and head.
- B.24.006.** Giblets means the edible organs of poultry and includes the heart, liver, kidney and gizzard.
- B.24.007.** Notwithstanding the provisions of B.24.004 and B.24.005 no person shall manufacture or sell as food, any organ or portion of a bird that is not commonly sold as an article of food.

⁵³ See B.16.009.

⁵⁴ See B.23.008.

- B.24.008.** Prepared poultry meat or prepared poultry meat by-product shall be poultry meat or poultry meat by-product whether comminuted or not that is preserved, canned, frozen, cooked, or any combination of the foregoing, and subject to these regulations, with or without any other ingredient, and shall include poultry meat or poultry meat by-product to which has been added any other ingredient.
- B.24.009.** No person shall sell a food that consists wholly or in part of a poultry meat by-product or a prepared poultry meat by-product unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,
- (a) the words "poultry meat by-product", or
 - (b) the name of the poultry meat by-product in place of the words *poultry meat by-product*.
- B.24.010.** Poultry meat derivative shall be a food other than poultry meat or prepared poultry meat that is derived from poultry meat or from bone.
- B.24.011.** In this DIVISION cereal means
- (a) flour or meal prepared from grain or potato, but not from a legume, and
 - (b) bread, biscuit, or bakery products, but not those containing or made with a legume,
- and includes
- (c) milk powder, skim milk powder, butter milk powder, or powdered whey.
- B.24.012.** No person shall sell any poultry meat, poultry meat by-product, prepared poultry meat, or prepared poultry meat by-product, that has in or upon it any preservative other than Class I preservative.⁵⁵
- B.24.013.** No person shall sell for consumption as food, poultry to which has been administered any preparation having oestrogenic activity.
- B.24.014.** No person shall sell for administration to poultry that may be consumed as food any substance having oestrogenic activity.
- B.24.015.** No person shall sell any poultry meat or poultry meat by-product that contains a larger proportion of moisture than the poultry meat or poultry meat by-product normally contains.

Prepared Poultry Meats, Prepared Poultry Meat By-products

- B.24.030.** No person shall sell a prepared poultry meat or a prepared poultry meat by-product that contains
- (a) a larger proportion of moisture than the poultry meat or poultry meat by-product from which it is prepared contains when in its fresh condition,
 - (b) more than that amount of cereal,⁵⁶ that is represented by 4 per cent of reducing sugars, calculated as dextrose, as determined by the acid hydrolysis method employed by the Food and Drug Laboratories, or
 - (c) more than 60 per cent of moisture when such prepared poultry meat or prepared poultry meat by-product contains cereal.⁵⁶
- B.24.031.** Where any poultry meat or poultry meat by-product is named upon the label of or in any advertisement for a prepared poultry meat or prepared poultry meat by-product for which a standard is prescribed such label or advertisement shall also carry a complete list of the poultry meats, or the poultry meat by-products, or both, in descending order of their proportionate content and such list may form part of the name of the prepared poultry meat or the prepared poultry meat by-product.
- B.24.032.** Preserved poultry meat or preserved poultry meat by-product shall be unmixed cooked or uncooked poultry meat or poultry meat by-product, salted, pickled, corned, cured, or smoked, preserved by Class I preservative.⁵⁵
- B.24.033.** Canned poultry shall be prepared from edible cuts of poultry meat with or without

⁵⁵ See B.16.009.

⁵⁶ See B.24.011.

- (a) those bones or pieces of bones attached to the portion of the poultry meat that is being canned,
 - (b) broth,
 - (c) salt,
 - (d) gelling agent, or
 - (e) small amounts of homogenized fat from the type of poultry that is being canned,
- preserved in a closed container.

B.24.034. Broth that is used in canned poultry shall be the liquid in which the poultry has been cooked, and

- (a) in pressure pre-cooked solid pack, it shall be added to the can without dilution and shall have a content of total solids of not less than 9 ounces per gallon corresponding to a specific gravity of not less than 1.010 at a temperature of 50° C (122° F),
- (b) in pressure pre-cooked jellied pack, it shall have a content of total solids of not less than 9 ounces per gallon corresponding to a specific gravity of not less than 1.010 at a temperature of 50° C (122° F),
- (c) in open pre-cooked solid pack, it shall be added to the can without dilution and shall have a content of total solids of not less than 4.5 ounces per gallon corresponding to a specific gravity of not less than 1.000 at a temperature of 50° C (122° F), and
- (d) in open pre-cooked jellied pack, it shall have a content of total solids of not less than 4.5 ounces per gallon corresponding to a specific gravity of not less than 1.000 at a temperature of 50° C (122° F),

and where gelling agent or salt are added to the broth prior to filling the cans the broth may contain by weight not more than 3 per cent of gelling agent and 4.4 per cent of salt.

B.24.035. No person shall sell canned poultry containing gelling agent unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the statement "contains gelling agent" or "contains (naming the gelling agent)".

B.24.036. (naming the poultry) Bone-In shall be canned poultry containing any poultry bone and shall contain not less than 52 per cent by weight of the named poultry meat.

B.24.037. Boneless (naming the poultry) Solid Pack shall be canned poultry from which the bones and skin have been removed, and shall contain not less than 75 per cent by weight of the named poultry meat.

B.24.038. Boneless (naming the poultry) Jellied Pack shall be canned poultry from which the bones and skin have been removed, and shall contain not less than 50 per cent by weight of the named poultry meat.

B.24.039. Potted Poultry Meat (Poultry Meat Paste, Poultry Meat Spread) shall be comminuted and cooked, fresh or preserved poultry meat, with or without cereal, salt, and spices, contained in suitable closed containers.

B.24.040. Potted Poultry Meat By-Product (Poultry Meat By-Product Paste, Poultry Meat By-Product Spread) shall be made wholly or in part from comminuted and cooked poultry meat by-products and shall otherwise conform to the standard prescribed for potted poultry meat.

B.24.041. Poultry Meat Loaf (Poultry Meat Roll, Poultry Meat Lunch) shall be a combination of comminuted, cooked, fresh or preserved poultry meat, with or without cereal, salt, spices, milk, or eggs, pressed into shape.

B.24.042. Poultry Meat By-Product Loaf, Poultry Meat and Poultry Meat By-Product Loaf shall be made respectively, wholly or in part, from comminuted and cooked poultry meat by-products and shall otherwise conform to the standard prescribed for poultry meat loaf.

B.24.043. Any person may use the name of the poultry meat or poultry meat by-product in place of the words *poultry meat* or the words *poultry meat by-product* in naming a prepared poultry meat or prepared poultry meat by-product.

PART C

DRUGS

Division 1

General

C.01.001. No person shall sell a package of drug that is not labelled.

C.01.002. The provisions of C.01.001 do not apply to a person who packages a drug from bulk on the premises where the drug is retailed; but where any such packaged drug bears any statement, mark, or device regarding the ingredients or substances contained therein other than

- (a) the name of the drug,
- (b) the name and address of the retailer, and
- (c) the net contents,

it shall be labelled as required by the Act and by these regulations.

C.01.003. Subject to these regulations no person shall sell a drug unless the label of every package thereof carries, legibly and conspicuously,

- (i) the proper name;¹ except that where the authority for the proper name is not these regulations or the British Pharmacopoeia such authority shall be named and, where there is a proprietary or brand name, such proper name shall immediately follow or precede the said proprietary or brand name in type of not less than one-half the size thereof, or
 - (ii) if there is no proper name, the common name;²
- (b) on both the inner and the outer labels
- (i) the name of the manufacturer or distributor,
 - (ii) the address of the manufacturer or distributor, except upon the inner label where the immediate container contains 2 millilitres or less,
 - (iii) the lot number³ of a drug manufactured for parenteral use,
 - (iv) adequate directions for use, and
 - (v) a complete list of the medicinal ingredients contained in the drug, the proper or the common name of each being used, except upon
 - (1) shipping cases or wrapping material,
 - (2) official drugs,⁴
 - (3) drugs sold on prescription,⁵ or
 - (4) medicines registered under the Proprietary or Patent Medicine Act, and
- (c) on the outer label
- (i) a statement of the net contents as required by paragraph (f) of section seven of the Act, and
 - (ii) the name and proportion of any preservative present in a drug manufactured for parenteral use.

C.01.004. Except where the quantity of the contents marked on a package of drug is stated in terms of minimum weight, measure, or number there shall be permitted from the stated quantity variations

- (a) due exclusively to weighing, measuring, or counting that occur in packaging conducted in compliance with good commercial practice and that shall be as often as much above as below the marked quantity,
- (b) due exclusively to differences in the capacity of containers, resulting solely from unavoidable difficulties in manufacturing, and no greater

¹ See A.02.007.

⁴ See A.02.015.

² See A.02.006.

⁵ See A.02.016.

³ The lot number should be preceded by the words "Lot Number", or by "Lot No", "Lot", or "(L)".

variation shall be permitted because of the design of the containers than is permitted in the case of containers of similar capacity that can be manufactured so as to be of approximately uniform capacity,

- (c) in weight or measure that unavoidably result from the ordinary and customary exposure of the package to evaporation or to the absorption of water under normal atmospheric conditions,
- (d) for a drug put up in ampoules and not prepared for injection as included in the following table

Labelled amount per ampoule	Limits of variability of the labelled amount
More than 50 mg.	Not less than 95 per cent and not more than 105 per cent
More than 25 mg. and not more than 50 mg.	Not less than 90 per cent and not more than 110 per cent
Not more than 25 mg.	Not less than 80 per cent and not more than 120 per cent

and

- (e) for a drug put up in tablet or any other individual dosage or dispensing form other than in ampoules as included in the following table

Labelled amount per tablet	Limits of variability of the labelled amount
Not less than 5 grains	Not less than 94 per cent and not more than 106 per cent
Not less than $\frac{1}{2}$ grain and less than 5 grains	Not less than 93 per cent and not more than 107 per cent
Not less than $\frac{1}{20}$ grain and less than $\frac{1}{2}$ grain	Not less than 92 per cent and not more than 108 per cent
Not less than $\frac{1}{100}$ grain and less than $\frac{1}{20}$ grain	Not less than 91 per cent and not more than 109 per cent
Less than $\frac{1}{100}$ grain	Not less than 90 per cent and not more than 110 per cent

except that

- (i) glyceryl trinitrate shall contain not less than 85 per cent and not more than 115 per cent of the labelled amount, and
- (ii) if the drug consists of several ingredients, the amount of each ingredient so dispensed shall be not less than 90 per cent and not more than 110 per cent of the amount calculated from the label description.

C.01.005. No person shall sell a drug that is a hypodermic tablet that does not completely dissolve in and form a clear solution with water.

C.01.006. No person shall sell a drug put up in ampoules for parenteral use unless each ampoule of the drug contains an excess volume as prescribed in the following table

Declared volume of contents	Excess for Mobile Solutions	Excess for Viscous Solutions
0.5 cc.	0.10 cc.	0.12 cc.
1.0 cc.	0.10 cc.	0.15 cc.
2.0 cc.	0.15 cc.	0.25 cc.
5.0 cc.	0.30 cc.	0.50 cc.
10.0 cc.	0.50 cc.	0.70 cc.
20.0 cc.	0.60 cc.	0.90 cc.
50.0 cc.	1.00 cc.	1.50 cc.
100.0 cc.	2.00 cc.	3.00 cc.

- C.01.007.** No person shall import a drug unless in addition to its meeting the standards prescribed by the Act and regulations it also conforms to the standards of quality and potency maintained by the country from which the drug is exported.
- C.01.008.** No person shall sell a drug prepared for parenteral use that contains a preservative ingredient unless such ingredient
- (a) is added only in such amount as is deemed to be non-toxic and harmless in the dosage in which the drug is recommended to be used, and
 - (b) does not interfere with the therapeutic properties of the drug.
- C.01.009.** No person shall sell a drug prepared for parenteral use unless, where applicable, the drug is tested for
- (a) the presence of pyrogens and is pyrogen-free,
 - (b) sterility and is sterile, and
 - (c) safety and is safe when used according to directions.
- C.01.010.** No person shall sell a drug prepared for parenteral use unless the immediate container of the drug is of such material and construction that
- (a) no deleterious substance is yielded to the contents thereof, and
 - (b) it permits of visual inspection of the contents of the container.
- C.01.011.** Where on the label or otherwise use is made of a term referring to a drug, which term is the subject of definition or meaning established by a statute of the Parliament of Canada, or regulation made thereunder, such use shall be deemed to be a false, exaggerated, or misleading claim unless it conforms with such definition or meaning.
- C.01.012.** No person shall make any reference, direct or indirect, to the Act or to these regulations upon any label of, or in any advertisement for a drug unless such reference is a specific requirement of the Act or of these regulations.

Appendix II Drugs

- C.01.021.** No person shall sell a drug named or included in Appendix II to these regulations unless both the inner and outer label of every package thereof carry legibly and conspicuously a statement of
- (a) the quantitative content of the drug so named or included in Appendix II except on packages of official drugs, and
 - (b) the recommended single and daily dose except for preparations solely for external use.
- C.01.022.** The provisions of C.01.021 do not apply to
- (a) a drug sold to a drug manufacturer,
 - (b) a drug sold on prescription, or
 - (c) the inner label of a single-dose container.
- C.01.023.** No person shall sell a drug named or included in Appendix II that contains in the recommended single or daily dose for internal use or in concentration for external use, an amount of the drug so named in Appendix II that is in excess of the limits prescribed therein, unless the inner and outer labels of every package thereof carry legibly and conspicuously a caution that the product is to be used only on the advice of a physician.
- C.01.024.** The provisions of C.01.023 do not apply to
- (a) a drug sold for veterinary use only,
 - (b) a drug sold on prescription,
 - (c) the inner label of a single-dose container, or
 - (d) official drugs.

^a See page 201.

C.01.025. No person shall advertise to the general public for human use a drug named or included in Appendix II that contains in the recommended single or daily dose for internal use or in concentration for external use, an amount of the drug so named or included in Appendix II that is in excess of the limits prescribed therein.

Appendix III Drugs⁸

C.01.031. The proper name of any drug included in Appendix III to these regulations shall be the name by which it is designated in the column therein headed Proper Names.

Appendix IV and Appendix V Drugs

C.01.041. No person shall sell a drug named or included in Appendix IV or Appendix V to these regulations until he has received a prescription therefor and such prescription shall

- (a) if in writing, be retained by the dispenser thereof for a period of at least two years from the date of filling,
- (b) if orally given, forthwith be reduced to writing and recorded in a record to be retained by the dispenser thereof for a period of at least two years, and which record shall show
 - (i) the date and number of the prescription,
 - (ii) the name and address of the person named therein,
 - (iii) the name and quantity of the drug specified therein,
 - (iv) the names of the persons respectively issuing and receiving the prescription, and
 - (v) the directions for use given therewith, including whether or not the practitioner directs the refilling of the prescription.

C.01.042. No person shall refill a prescription unless the practitioner so directs and specifies the number of times that the same may be refilled.

C.01.043. Notwithstanding the provisions of C.01.041, a drug named or included in Appendix IV or Appendix V of these regulations may be sold without a prescription to

- (a) a drug manufacturer, or if the upper left quarter of the main panel of both the inner and outer label of every package thereof carries legibly and conspicuously the following symbol "Pr", to
- (b) a practitioner,
- (c) a wholesale druggist,
- (d) a registered pharmacist,
- (e) a bona fide hospital which shall be certified as such by the Department of National Health and Welfare, or
- (f) any Department of the Government of Canada or of a province upon an order signed by the Minister thereof or his duly authorized representative.

C.01.044. No person shall advertise to the general public a drug named or included in Appendix IV.

C.01.045. No person shall advertise to the general public for human use a drug named or included in Appendix V.

C.01.046. No person other than

- (a) a practitioner,
 - (b) a drug manufacturer,
 - (c) a wholesale druggist,
 - (d) a registered pharmacist,
 - (e) a resident of a foreign country while a visitor in Canada therefrom,
- shall import a drug named or included in Appendix IV or Appendix V to these regulations.

⁸ See page 203.

C.01.047. The provisions of C.01.041, C.01.043 and C.01.046 do not apply to a drug named or included in Appendix V, provided that

- (a) the drug is in a form not suitable for human use, or
- (b) the main panel of both the inner and outer labels of every package thereof carries the words "FOR VETERINARY USE ONLY" immediately following or preceding the proprietary or brand name, proper name, or common name in type not less than one-half as large as the largest type on the label.

C.01.048. No person shall sell a drug bearing on the label the following symbol "Pr", unless the same is required by these regulations.

C.01.050. No person shall sell penicillin, its salts or derivatives, or preparations thereof, for other than parenteral use, unless

- (a) made from penicillin of a potency of not less than 500 International Units per milligram,
- (b) both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (i) a declaration in International Units of the penicillin content per gram in the case of solids, per cubic centimetre in the case of liquids, or per individual dosage or dispensing form in the case of products put up in individual dosage or dispensing form,
- (ii) the lot number,
- (iii) the expiration date¹¹, that shall be not more than 12 months after the date of manufacture except that
 - (1) for crystalline sodium or potassium penicillin sold in bulk and for tablets made from crystalline sodium or potassium penicillin the expiration date shall be not more than 24 months after the date of manufacture,
 - (2) for crystalline sodium or potassium penicillin powders as for inhalation therapy the expiration date shall be not more than 18 months after the date of manufacture, and
 - (3) for penicillin bougies for veterinary use made with a polyethylene glycol base the expiration date shall be not more than 6 months after the date of manufacture, and
- (iv) a statement that the drug should be stored in a cool dry place below 60° F, but this statement is not required for tablets, troches, or powders, made from crystalline penicillin, and

C.01.051. When penicillin prepared for parenteral use is used to manufacture a preparation not intended for parenteral use, the expiration date on the label of the final product shall be calculated in accordance with

- (a) the provisions of C.01.050 (b) (iii), and
- (b) the date of manufacture defined as the date when the final product is made,

provided that the expiration date appearing on the label of the final product is not later than the expiration date on the original penicillin from which it is made.

Seidlitz Powders

C.01.061. No person shall sell seidlitz powders in a container unless

- (a) the cubical content of the container, when calculated from the outside dimensions thereof, does not exceed 2 cubic inches for each such powder, and
- (b) the main panel of the main label of the container carries a statement of the net contents with special prominence and in figures not less than one-half inch in height in solid type on a light background in conjunction

¹¹ See C.01.051.

with the word *powders* printed in solid black type not less than three sixteenths of an inch in height,

and for the purpose of this section the word *powder* shall mean a set of two individual component powders, one in a white wrapping and the other in a blue wrapping.

Mercuric Chloride Tablets

C.01.071. No person shall sell mercuric chloride tablets for household use that are packaged in lots of two hundred or less unless

(a) such tablets are

- (i) of an irregular or angular shape,
- (ii) coloured blue, and
- (iii) packed in an immediate container that is readily distinguishable by touch, and

(b) the main panel of both the inner and the outer labels of every package of such tablets carries, legibly and conspicuously, in prominent type and in a colour contrasting to that of such labels

- (i) the design of a skull and cross-bones, and
- (ii) the word "Poison".

Cod Liver Oil

C.01.081. No person shall sell cod liver oil in a package unless both the inner and the outer labels thereof carry, legibly and conspicuously, a statement

- (a) in International Units per gram of both the vitamin A and the vitamin D content, and
- (b) of the recommended dosage that, irrespective of the age of the consumer, shall not exceed per day two teaspoonfuls or
 - (i) 10,000 International Units of vitamin A, and
 - (ii) 2,000 International Units of vitamin D.

Containers for Collapsible Tubes

C.01.091. No person shall sell a drug or a cosmetic in a collapsible tube packed in a carton if the dimensions of the carton exceed

- (a) for all tubes without chip-board protectors, and tubes of less than $1\frac{1}{4}$ " diameter with chip-board protectors:—
 - (i) length—over all tube length filled and clipped plus $\frac{8}{32}$ ",
 - (ii) height—diameter of tube plus $\frac{4}{32}$ ", and
 - (iii) width—1.25 times tube diameter plus $\frac{4}{32}$ ", and
- (b) for all tubes of $1\frac{1}{4}$ " diameter and over with chip-board protectors:—
 - (i) length—over all tube length filled and clipped plus $\frac{10}{32}$ ",
 - (ii) height—diameter of tube plus $\frac{4}{32}$ ", and
 - (iii) width—1.25 times tube diameter plus $\frac{4}{32}$ ".

Disinfectants

C.01.101. No person shall sell a preparation of phenolic type or preparation of natural oils that purports to be of value as a disinfectant, germicide, or the like, unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the phenol coefficient of the preparation as determined by a method acceptable to the Laboratory of Hygiene.

C.01.102. No person shall sell a preparation containing chlorine that purports to be of value as a disinfectant, germicide, or the like, unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the percentage of the available chlorine content.

C.01.103. No person shall sell a preparation containing a quaternary ammonium compound or the like that purports to be of value as a disinfectant, germicide, or the like, unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the chemical name and proportion or amount of each active ingredient.

Epinephrine Solutions

C.01.121. No person shall sell solutions of epinephrine, its salts, or optical isomers for inhalation use unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) a statement of the concentration, and strength in terms of epinephrine, and
- (b) the lot number.

Dental Stain Removers

C.01.201. No person shall sell a drug that is recommended for removing stains from the teeth that has an acidity greater than that represented by a pH of 4.

New Drugs

C.01.301. No person shall sell a drug that is not generally known to experts qualified to evaluate the safety of drugs as safe for the use for which such drug is proposed, prescribed or recommended either because of its

- (a) composition,
- (b) dosage, or
- (c) route of administration,

unless there has been filed with the Minister for a period of not less than two months prior to such sale or for such other time as the Minister may prescribe, but in no case to exceed a further four months,

- (d) a description of the drug, including its proper name, a list of its ingredients and a description of the pharmaceutical forms in which it is proposed to be sold,
- (e) a statement of the claims to be made for the drug in relation to the use for which it is recommended,
- (f) detailed reports of tests made which are considered to be adequate and proper to establish the safety of the drug for the purpose and under the conditions of use recommended therefor,
- (g) particulars of tests applied, used or adopted to control the potency, purity and safety of the drug, and
- (h) a draft in duplicate of each label proposed to be used.

C.01.302. The provisions of C.01.301 shall not apply to any cosmetic or to any device that may be used for the diagnosis, treatment, mitigation or prevention of disease in man or animal.

C.01.303. Notwithstanding the provision of C.01.301, a manufacturer may sell a drug not generally known as safe for the use for which the drug is proposed, prescribed or recommended for the sole purpose of obtaining scientific data with respect to safety, stability, dosage, or efficacy, provided that

- (a) both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the statement "For Experimental Use By Qualified Investigators Only", and
- (b) the manufacturer keeps an accurate record of such distribution.

Division 2*Sex Hormones*

C.02.001. The drugs referred to in this Division are included in the term *sex hormone* as mentioned or described in Part I of SCHEDULE B to this Act.¹²

C.02.002. Sex hormone includes all synthetic or natural products purporting to have oestrogenic, androgenic, gonadotrophic, or progestational properties and any drug consisting in whole or in part of sex gland tissue or any extract thereof.

¹² See page 308.

C.02.003. Standard preparations of sex hormones shall be those kept in the Food and Drug Laboratories from whence portions for comparative testing may be had upon application of the Chief Dominion Analyst.

C.02.004. Canadian Reference Standard for sex hormone products means, where applicable, a standard established and kept by the Food and Drug Laboratories.

C.02.005. Subject to these regulations the potency of a sex hormone shall be stated, where applicable, in terms of the International Standard or in terms of the Canadian Reference Standard and in either case shall be determined by the methods employed by the Food and Drug Laboratories, but when neither of these standards exists the manufacturer of sex hormone products shall

- (a) submit a suitable quantity of the product to be used as a Canadian Reference Standard for checking the uniformity of the product, or
- (b) where stable standards cannot be furnished by the manufacturer, include with every package of the sex hormone details of the unit of potency and the method of assay used.

C.02.006. The proper names of

- (a) pure synthetic or natural crystalline sex hormones shall be, respectively
 - (i) **Oestrone,**
 - (ii) **Oestradiol,**
 - (iii) **Oestriol,**
 - (iv) **Stilboestrol,**
 - (v) **Androsterone,**
 - (vi) **Testosterone,**
 - (vii) **Progesterone,**and esters and derivatives of these,
- (b) mixed or impure sex hormones shall be, respectively
 - (i) **Conjugated Oestrogenic Substance,**
 - (ii) **Oestrogenic Substance,**
 - (iii) **Androgenic Substance,**
 - (iv) **Progestational Substance,** and
- (c) gonadotrophins shall be **Gonadotrophin** with a qualifying word to indicate the source.

C.02.007. No person shall sell any sex hormone unless the label of every package thereof carries, legibly and conspicuously,

- (a) on both the inner and the outer labels
 - (i) the name of the manufacturer,
 - (ii) the proper name,
 - (iii) the potency,
 - (iv) the lot number, and
- (b) on the outer label
 - (i) the address of the manufacturer,
 - (ii) the name of the solvent or vehicle used in distributing products in liquid form,
 - (iii) the name and amount of any preservative,
 - (iv) a statement of net contents as required by paragraph (f) of section seven of the Act, and
 - (v) for gonadotrophins in aqueous solution, the expiration date that shall not be more than 12 months after the date of assay.

C.02.008. Notwithstanding the provisions of C.02.007 no person shall sell any sex hormone consisting in whole or in part of sex gland tissue or extracts thereof for which no proper name is prescribed in C.02.006 and for which no standard of potency exists unless the label of every package thereof carries, legibly and conspicuously,

- (a) on both the inner and the outer labels
 - (i) the name of the manufacturer,
 - (ii) the common name, and
 - (iii) the lot number,¹³ and
- (b) on the outer label
 - (i) the address of the manufacturer,
 - (ii) the name and amount of any preservative,
 - (iii) the name of the solvent or vehicle used in distributing products in liquid form,
 - (iv) a statement of net contents as required by paragraph (f) of section seven of the Act, and
 - (v) the statement, "The sex gland tissue (or extract as the case may be) in this preparation has no known therapeutic sex hormone action".

C.02.010. Notwithstanding the provisions of C.02.007 no person shall sell a preparation manufactured for use as a cosmetic containing a sex hormone purporting to have oestrogenic properties unless demonstrated to be free from systemic effect from sex hormones, and unless the label of every package thereof carries, legibly and conspicuously,

- (a) on both the inner and the outer labels
 - (i) the name and address of the manufacturer,
 - (ii) the name of the preparation,
 - (iii) a list of the medicinal ingredients,
 - (iv) the sex hormone potency as defined in C.02.005, and
 - (v) the statement "Use only as directed", and
- (b) on the outer label
 - (i) a statement of net contents as required by paragraph (f) of section seven of the Act, and
 - (ii) directions for use.

Division 3

Drugs of Part II of Schedule B to the Act¹⁴

C.03.001. Notwithstanding anything contained in these regulations, in this DIVISION

- (a) "drug" means a drug mentioned or described in Part II of SCHEDULE B to the Act that is intended for the diagnosis, prevention, or treatment of disease in man, and for which specific requirements are provided in this DIVISION,
- (b) "licence" means a licence issued according to the provisions of this DIVISION,
- (c) "manufacturer" means a manufacturer holding a licence under the provisions of this DIVISION, and
- (d) "master lot" means a quantity of drug from which a lot is prepared for sale by subsequent dilution or mixture.

C.03.002. No person shall manufacture a drug, in whole or in part, without a licence.

C.03.003. All materials and equipment that accompany any package of drug, and that are intended to be used in its administration, shall be deemed to form a part of the drug.

C.03.004. Application for a licence shall be made to the Minister on a form that may be obtained from him on request.

C.03.005. An application for a licence shall be accompanied by a fee of ten dollars payable to the Receiver General of Canada.

¹⁴ See page 308.

- C.03.006. Subject to the provisions of C.03.004 and C.03.005 the Minister may issue a licence to a manufacturer to manufacture one or more drugs, and may cancel or suspend any licence with respect to any one or more drugs covered thereby.
- C.03.007. A licence shall continue in force for twelve months from April first of the year of issue thereof unless cancelled or suspended.
- C.03.008. The Minister may require an inspection of an establishment and an examination of the drug for the manufacture of which a licence is desired prior to issuing a licence, and may further require an inspection of the establishment at any subsequent time, and a fee of ten dollars may be charged for the inspection.
- C.03.009. Where a licence is refused, cancelled, or suspended, all conditions that were made the basis of refusal, cancellation, or suspension, shall be corrected by the manufacturer before such licence is granted or renewed.
- C.03.010. The Minister may cause to be published in *The Canada Gazette*, notice of cancellation or suspension of a licence.
- C.03.011. A person who holds a licence to manufacture a drug outside of Canada shall file with the Minister the names and addresses of his Canadian representatives, who shall be required to maintain the same records of the distribution in Canada of such drug that are required of domestic manufacturers, and failure to maintain such records shall constitute grounds for cancellation of the licence.
- C.03.012. A manufacturer shall maintain his premises under the direct control and personal supervision of a responsible, qualified person.
- C.03.013. A manufacturer shall notify the Minister promptly of changes in
- (a) responsible personnel,
 - (b) plant design or organization, and
 - (c) principles of manufacture.
- C.03.014. Subject to these regulations a manufacturer shall keep records in form satisfactory to the Minister of each lot of a drug respecting
- (a) its manufacture,
 - (b) its testing,
 - (c) its disposition, and
 - (d) its distribution,
- and in each case the date thereof.
- C.03.015. Upon written request from the Chief Dominion Analyst a manufacturer shall submit protocols of tests together with samples of any lot or master lot of any drug prior to its being sold, and no person shall sell any lot of which the protocol or sample fails to meet the requirements of these regulations.
- C.03.016. A manufacturer shall notify the Minister immediately of any deficiency or alleged deficiency concerning the quality, safety, or efficacy of any drug manufactured by him.
- C.03.017. A manufacturer shall withdraw from sale and shall recall any drug that in the opinion of the Minister is deficient in any respect.
- C.03.018. No person shall import or sell any drug that does not meet any test required by these regulations.
- C.03.019. A manufacturer shall test each filling of each lot of a drug for sterility by a method acceptable to the Food and Drug Laboratories and it shall be sterile.

- C.03.020.** A manufacturer shall test, after the final containers of a drug have been labelled, each filling of each lot of a drug, where applicable, by a method acceptable to the Food and Drug Laboratories for
- (a) identity, and it shall be true to name,
 - (b) safety by animal inoculation, and it shall be safe, and
 - (c) pyrogens, and it shall be pyrogen-free.
- C.03.021.** No person shall manufacture a drug from animal tissue unless such tissue has been obtained from a healthy animal free from infectious disease, and this requirement shall be deemed to have been met if the animal tissue is the subject of a certificate under the Meat and Canned Foods Act.
- C.03.022.** Subject to these regulations, no person shall sell a drug specified in this Division unless the label of every package thereof carries, legibly and conspicuously,
- (a) on both the inner and the outer labels
 - (i) the name of the manufacturer, and the proper name of the drug,
 - (ii) the potency of the drug, and
 - (iii) the lot number,¹⁵ and
 - (b) on the outer label
 - (i) the address of the manufacturer,
 - (ii) the Canadian Licence number of the manufacturer,
 - (iii) the expiration date of the drug,
 - (iv) the name and amount of any preservative in the drug, and
 - (v) a statement of the net contents as required by paragraph (f) of section seven of the Act.

Liver Extract Injectable

- C.03.030.** **Liver Extract Injectable** shall be the soluble, thermostable fraction of mammalian liver that, when administered to persons affected with pernicious anaemia produces a remission of the disorder.
- C.03.031.** The Canadian Reference Standard for liver extract injectable shall be vitamin B₁₂ (cyanocobalamin) and shall be kept in the Food and Drug Laboratories whence portions for comparative testing may be had upon request.
- C.03.032.** No person shall sell liver extract injectable
- (a) to which has been added vitamin B₁₂ in any form,
 - (b) unless each filling of each lot has been tested for potency using the method employed in the Food and Drug Laboratories,
 - (c) except in potencies equivalent to either 10 micrograms or 20 micrograms of vitamin B₁₂ (cyanocobalamin) per cubic centimetre, and
 - (d) unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the potency expressed in terms of vitamin B₁₂ (cyanocobalamin) which shall follow the name *liver extract injectable* without any intervening text or design.
- C.03.033.** Multiple dose containers of liver extract injectable shall contain a preservative.
- C.03.034.** The expiration date of liver extract injectable shall not be more than 18 months after the date of filling into the final container.
- C.03.035.** **Liver Extract Injectable with Other Medication** shall meet all the requirements of liver extract injectable and the true nature and amount of the added medication shall be stated on the label with observance of any requirement of these regulations in respect of such added medication, and the words *Other Medication* may be replaced by the proper name of such added medication.

¹⁵ The lot number should be preceded by the words "Lot Number", or by "Lot No.", "Lot", or "(L)".

- C.03.036. Liver Extract Injectable Crude** shall be that fraction of liver extract injectable obtained by stopping the process of extraction at such a stage that the final product is derived from an alcohol solution of a concentration not higher than 70 per cent by volume of ethyl alcohol.
- C.03.037.** The Canadian Reference Standard for liver extract injectable crude shall be vitamin B₁₂ (cyanocobalamin) and shall be kept in the Food and Drug Laboratories whence portions for comparative testing may be had upon request.
- C.03.038.** No person shall sell liver extract injectable crude
- (a) to which has been added vitamin B₁₂ in any form,
 - (b) unless each filling of each lot has been tested for potency using the method employed in the Food and Drug Laboratories,
 - (c) except in potencies equivalent to either 1 microgram or 2 micrograms of vitamin B₁₂ (cyanocobalamin) per cubic centimetre, and
 - (d) unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the potency expressed in terms of vitamin B₁₂ (cyanocobalamin) which shall follow the name *liver extract injectable crude* without any intervening text or design.
- C.03.039.** Multiple dose containers of liver extract injectable crude shall contain a preservative.
- C.03.040.** The expiration date of liver extract injectable crude shall not be more than 18 months after the date of filling into the final container.
- C.03.041. Liver Extract Injectable Crude with Other Medication** shall meet all the requirements of liver extract injectable crude, and the true nature and amounts of the added medication shall be stated on the label with observance of any requirement of these regulations in respect of such added medication, and the words *Other Medication* may be replaced by the proper name of such added medication.

Insulin, Insulin made from Zinc-Insulin Crystals

- C.03.050.** Insulin is the active principle of the pancreas that affects the metabolism of carbohydrates in the animal body and is of value in the treatment of *diabetes mellitus*.
- C.03.051.** Canadian reference standard for insulin and insulin made from zinc-insulin crystals means a standard, measured in terms of the International Standard, adopted and kept in the Food and Drug Laboratories from whence portions for comparative testing may be had upon application to the Chief Dominion Analyst.
- C.03.052.** Insulin, Insulin made from zinc-insulin crystals when prepared for parenteral use shall be a clear, colourless or almost colourless solution free from turbidity and from insoluble matter and shall contain, weight by volume,
- (a) not less than 0.1 per cent and not more than 0.25 per cent of either phenol or cresol, and
 - (b) not less than 1.4 per cent and not more than 1.8 per cent of glycerin, and shall have a pH between 2.5 and 3.5 as determined with a glass electrode.
- C.03.053.** The quantity of nitrogen found for each 100 International Units of insulin shall be not more than 0.65 milligram for insulin made from zinc-insulin crystals, and not more than 0.85 milligram for insulin other than that made from zinc-insulin crystals, as determined by the method employed by the Food and Drug Laboratories.
- C.03.054.** The quantity of zinc found for each 1,000 International Units of insulin shall be not less than 0.10 milligram and not more than 0.4 milligram

for insulin made from zinc-insulin crystals, and not more than 0.4 milligram for insulin other than that made from zinc-insulin crystals, as determined by the method employed by the Food and Drug Laboratories.

C.03.055. The quantity of ash found for each 1,000 International Units of insulin shall be not more than 1.0 milligram, as determined by the method employed by the Food and Drug Laboratories.

C.03.056. The zinc-insulin crystals used for the preparation of insulin made from zinc-insulin crystals shall contain

(a) not less than 22 International Units of insulin per milligram, and

(b) on the dry basis not less than 0.30 per cent and not more than 0.90 per cent of zinc,

as determined by the methods employed by the Food and Drug Laboratories.

C.03.057. The proper name of insulin shall be **Insulin** and if wholly prepared from zinc-insulin crystals may be **Insulin made from Zinc-Insulin Crystals**.

C.03.058. The unit of potency of insulin or of insulin made from zinc-insulin crystals shall be the International Unit.

C.03.059. The potency of insulin, or of insulin made from zinc-insulin crystals shall be expressed in units per cubic centimetre.

C.03.060. No person shall sell insulin or insulin made from zinc-insulin crystals

(a) except in vials of approximately 10 cc. capacity that contain not less than 10 cc.,

(b) unless each cubic centimetre thereof provides

(i) 40 International Units of insulin, or

(ii) 80 International Units of insulin, or

(iii) 100 International Units of insulin,

(c) unless the potency thereof as determined by the method employed by the Food and Drug Laboratories is not less than 95 per cent and not more than 105 per cent of that stated on the label,

(d) unless the outer label of every package thereof carries an instruction to keep in a cold place and avoid freezing, and

(e) unless each package thereof contains a descriptive circular that includes

(i) a statement that treatment of *diabetes mellitus* requires medical supervision and review, and that preparations containing insulin should be used only as determined by a physician for each patient in the light of blood-sugar and urinary-sugar findings, and that the physician's instructions concerning diet, dosage, rest, and exercise should be followed carefully,

(ii) an outline of a procedure to be followed in withdrawing insulin from the vial, including technique for sterilization of syringe and needle, vial-stopper, and site of injection,

(iii) a statement, explaining that injections should be sub-cutaneous, and not intravenous or intramuscular, and a caution against successive injections in any one site,

(iv) a statement that doses are specified in terms of *International Units* and that the *volume* of each dose will depend upon the potency in terms of such units per cc. stated on the label of the product and that for these reasons it is important that the patient understand the markings on syringes,

(v) a brief explanation of *hypoglycaemia* together with emergency measures suitable for use by patients and those caring for patients in the event of hypoglycaemic reactions,

(vi) a statement indicating the possibility of undesirable reactions associated with the omission or loss of a meal, illness, infection, and shortage of insulin,

- (vii) a statement warning against using any other types of insulin preparations than those prescribed by the physician,
- (viii) a statement that use of a package should not be commenced after the expiration date printed on the package,
- (ix) a statement that the contents should be used as continuously as practicable and that any vial from which a part of the contents has been withdrawn should be discarded in the event of its being in disuse for several weeks time,
- (x) a statement stressing the importance of visiting a physician regularly and carefully following his instructions, and
- (xi) a statement that if the contents of the vial become cloudy or turbid, use of that vial should be discontinued.

C.03.061. No person shall sell insulin unless both the inner and the outer labels of every package of each strength thereof are, respectively, printed in

- (a) black ink on yellow coloured stock for 40 units per cc.,
- (b) black ink on green coloured stock for 80 units per cc., and
- (c) black ink on red coloured stock for 100 units per cc.

C.03.062. No person shall sell insulin that is labelled as *insulin made from zinc-insulin crystals* unless both the inner and the outer labels of every package of each strength thereof are, respectively, printed in

- (a) red ink on grey coloured stock for 40 units per cc., and
- (b) green ink on grey coloured stock for 80 units per cc.

C.03.063. No person shall sell insulin or insulin made from zinc-insulin crystals unless the manufacturer has submitted, to the Chief Dominion Analyst

- (a) for each master lot of insulin or each master lot of zinc-insulin crystals
 - (i) protocols of assay of potency in International Units per cc. in the case of insulin and in International Units per milligram in the case of zinc-insulin crystals,
 - (ii) a report of assay of the nitrogen content in milligrams per 100 International Units of insulin,
 - (iii) a report of assay of the zinc content in milligrams per 1,000 International Units of insulin,
 - (iv) a report of assay of the ash content in milligrams per 1,000 International Units of insulin, and
 - (v) a report of the moisture content in per cent by weight determined by drying to constant weight at 100°C in the case of zinc-insulin crystals,
- (b) for the first finished lot of insulin or insulin made from zinc-insulin crystals offered for sale from each master lot of insulin or zinc-insulin crystals a report on the amount of each component, and
- (c) for the first filling of the first finished lot of insulin or insulin made from zinc-insulin crystals offered for sale from each master lot of insulin or zinc-insulin crystals,
 - (i) at least 6 vials taken by random sampling,
 - (ii) a report of assay of the nitrogen content in milligrams per 100 International Units of insulin,
 - (iii) a report of assay of the zinc content in milligrams per 1,000 International Units of insulin,
 - (iv) a report of assay of the ash content in milligrams per 1,000 International Units of insulin, and
 - (v) a report on the determination of the pH employing the glass electrode,

and in each case such submission shall be acceptable to the Minister.

- C.03.064.** No person shall manufacture insulin from a master lot or insulin made from zinc-insulin crystals from a fluid master lot that has not been stored at a temperature of more than 0° C and less than 15° C.
- C.03.065.** The expiration date of insulin and of insulin made from zinc-insulin crystals shall be not more than two years after the date of removal for distribution from the manufacturer's place of storage.
- C.03.066.** Notwithstanding the provisions of C.03.060 (a), (b), and (c), C.03.061 (a), (b), (c), C.03.062 (a), (b) and C.03.063 (c) (i) *Insulin made from Zinc-Insulin Crystals* 500 International Units per cc. may be sold provided that
- (a) it is dispensed in vials of approximately 20 cc. capacity that contain not less than 20 cc.,
 - (b) both the inner and outer labels of every package thereof are printed in black ink on white stock and overprinted in narrow brown and white diagonal stripes, of which these shall be at least five but not more than 20 to each inch,
 - (c) both the inner and outer labels of every package thereof carries the statement "Warning—High Potency—Not for Ordinary Use",
 - (d) each package thereof contains a descriptive circular that includes
 - (i) at the beginning of the circular in conspicuous type the statement "Warning—This insulin preparation contains, 500 International Units of insulin in each cubic centimeter. Extreme caution must be observed in the measurement of the doses because inadvertent over-dose may result in irreversible shock. Serious consequences may result if it is used other than under constant medical supervision. Unless specifically prescribed, it should never be used by patients to replace use of any other insulin preparation",
 - (ii) a statement that *Insulin made from Zinc-Insulin Crystals* 500 International Units per cc. should not be administered intravenously,
 - (iii) a statement giving information for the safe and effective use of the drug by physicians to administer it in insulin shock therapy and for the treatment of diabetic patients with high insulin resistance (daily requirement more than 200 International Units),
 - (iv) a statement that this preparation should not be used after the expiration date shown on the outer label, and
 - (v) a statement that this preparation should not be used if the solution becomes viscous, discoloured, or other than water clear,
 - (e) at least one vial taken by random sampling from the first finished lot of *Insulin made from Zinc-Insulin Crystals* 500 International Units per cc. offered for sale from each master lot of zinc-insulin crystals shall be submitted to the Chief Dominion Analyst.

Protamine Zinc Insulin

- C.03.070.** Protamine zinc insulin is a suspension in a buffered water medium of insulin modified by the addition of protamine and zinc, and the protamine shall be prepared from the sperm or from the mature testes of fish belonging to the family *Salmonidae*, genera *Oncorhynchus* Suckley, *Salmo* Linne, or *Trutta* Jordan and Everman.
- C.03.071.** Canadian reference standard for protamine zinc insulin means a standard adopted by the Food and Drug Laboratories from whence portions and directions for comparative testing may be had upon application to the Chief Dominion Analyst.
- C.03.072.** The biological reaction of protamine zinc insulin shall be comparable to that of the Canadian reference standard for protamine zinc insulin as determined by the method employed by the Food and Drug Laboratories.

- C.03.073. Protamine zinc insulin shall be a white suspension, free from large particles following moderate agitation and shall contain, weight by volume,
- (a) not less than 0.15 per cent and not more than 0.25 per cent of anhydrous disodium phosphate,
 - (b) not less than 1.4 per cent and not more than 1.8 per cent of glycerin,
 - (c) either
 - (i) not less than 0.18 per cent and not more than 0.22 per cent of cresol, or
 - (ii) not less than 0.22 per cent and not more than 0.28 per cent of phenol,
- and for each 100 International Units of insulin
- (d) not less than 1 milligram and not more than 1.5 milligrams of protamine,
 - (e) not less than 0.20 milligram and not more than 0.25 milligram of zinc as determined by the method employed by the Food and Drug Laboratories,
 - (f) not more than 1.25 milligrams of total nitrogen as determined by the method employed by the Food and Drug Laboratories,
- and the pH shall be between 7.1 and 7.4 as determined with a glass electrode.
- C.03.074. The insulin used in the preparation of protamine zinc insulin shall be obtained from a master lot or from a mixture of two or more previously accepted master lots and shall be present in an amount sufficient to provide either 40 or 80 International Units of insulin for each cubic centimetre of the preparation.
- C.03.075. The protamine used in preparing protamine zinc insulin shall contain, when dried to a constant weight at 100° C, not less than 22.5 per cent and not more than 25.5 per cent of nitrogen, as determined by the method employed by the Food and Drug Laboratories.
- C.03.076. The clear supernatant liquid obtained from protamine zinc insulin by centrifuging or by filtering shall contain not more than 1 International Unit of insulin per cubic centimetre in the case of *protamine zinc insulin 40 units per cc.*, and not more than 1.5 International Units of insulin per cubic centimetre in the case of *protamine zinc insulin 80 units per cc.*, as determined by the method employed by the Food and Drug Laboratories.
- C.03.077. The proper name of protamine zinc insulin shall be **Protamine Zinc Insulin**.
- C.03.078. The potency of protamine zinc insulin shall be expressed in units per cubic centimetre.
- C.03.079. No person shall sell protamine zinc insulin
- (a) except in vials of approximately 10 cc. capacity that contain not less than 10 cc.,
 - (b) unless each cubic centimetre thereof provides either
 - (i) 40 International Units of insulin, or
 - (ii) 80 International Units of insulin,
 - (c) unless both the inner and the outer labels of every package of each strength thereof are, respectively, printed in
 - (i) red ink on white stock for 40 units per cc., and
 - (ii) green ink on white stock for 80 units per cc.,
 - (d) unless the outer label of every package thereof carries an instruction to keep in a cold place and avoid freezing,
 - (e) unless the inner label of every package thereof carries the statement "Shake carefully", and
 - (f) unless each package thereof contains a descriptive circular that includes
 - (i) a statement that treatment of *diabetes mellitus* requires medical supervision and review, and that preparations containing insulin

should be used only as determined by a physician for each patient in the light of blood-sugar and urinary-sugar findings, and that the physician's instructions concerning diet, dosage, rest, and exercise should be followed carefully,

- (ii) an outline of a procedure to be followed in withdrawing protamine zinc insulin from the vial, including technique for sterilization of syringe and needle, vial-stopper and site of injection,
- (iii) a statement explaining that injections should be sub-cutaneous, and not intravenous or intramuscular, and a caution against successive injections in any one site,
- (iv) a statement that doses are specified in terms of *Units* and that the *volume* of each dose will depend upon the potency in terms of such units per cc. stated on the label of the product and that for these reasons it is important that the patient understand the markings on syringes,
- (v) a brief explanation of *hypoglycaemia* together with emergency measures suitable for use by patients and those caring for patients in the event of hypoglycaemic reactions,
- (vi) a statement indicating the possibility of undesirable reactions associated with the omission or loss of a meal, illness, infection, and shortage of protamine zinc insulin,
- (vii) a statement warning against using any other types of insulin than those prescribed by the physician,
- (viii) a statement that use of a package should not be commenced after the expiration date printed on the package,
- (ix) a statement that the contents should be used as continuously as practicable and that any vial from which a part of the contents has been withdrawn should be discarded in the event of its being in disuse for several weeks' time,
- (x) a statement stressing the importance of visiting a physician regularly and carefully following his instructions, and
- (xi) a statement explaining that it is necessary to shake the vial of protamine zinc insulin carefully before withdrawing a dose, noting that, if the contents have become lumpy or granular, the use of that vial should be discontinued.

C.03.080. No person shall sell protamine zinc insulin unless the manufacturer has submitted, to the Chief Dominion Analyst

- (a) for each master lot of insulin to be used in the preparation of protamine zinc insulin,
 - (i) protocols of assay of potency in International Units per cc. in the case of insulin and in International Units per milligram in the case of zinc-insulin crystals,
 - (ii) a report of assay of the nitrogen content in milligrams per 100 International Units of insulin,
 - (iii) a report of assay of the zinc content in milligrams per 1,000 International Units of insulin,
 - (iv) a report of assay of the ash content in milligrams per 1,000 International Units of insulin, and
 - (v) a report of assay of the moisture content in per cent by weight determined by drying to constant weight at 100° C in the case of zinc-insulin crystals,
- (b) for the lot of protamine used in the preparation of protamine zinc insulin, a report of assay of the nitrogen content in per cent by weight, on the dry basis, and
- (c) for the components used in the preparation of the trial mixture of protamine zinc-insulin, a report on the quantity of

- (i) the insulin in grams or in International Units,
 - (ii) the protamine in grams or in milligrams per 100 International Units of insulin,
 - (iii) the zinc chloride in grams or in milligrams per 1,000 International Units of insulin,
 - (d) for the trial mixture of protamine zinc insulin
 - (i) protocols of biological reaction showing the retardation of the insulin effect,
 - (ii) a report of assay of the nitrogen content in milligrams per cc. or per 100 International Units of insulin,
 - (iii) a report of assay of the zinc content in milligrams per cc. or per 1,000 International Units of insulin,
 - (iv) a report on the determinations of pH employing the glass electrode, and
 - (v) protocols of assay of the insulin content in International Units per cc. of the supernatant liquid,
 - (e) for the first finished lot of protamine zinc insulin offered for sale from each master lot of protamine zinc insulin a report of the weight in grams of insulin, protamine, and of zinc chloride, and
 - (f) for the first filling of the first finished lot of protamine zinc insulin prepared for sale from each master lot of protamine zinc insulin,
 - (i) a report of assay of the nitrogen content in milligrams per cc. or per 100 International Units of insulin,
 - (ii) a report of assay of the zinc content in milligrams per cc. or per 1,000 International Units of insulin, and
 - (iii) at least 6 vials taken by random sampling,
- and in each case such submissions shall be acceptable to the Minister.

C.03.081. The expiration date of protamine zinc insulin shall be not more than 18 months after the date of filling of the immediate container.

Globin Insulin with Zinc

- C.03.090. Globin insulin with zinc is a solution of insulin modified by the addition of globin, prepared from beef blood, in the form of globin hydrochloride, and zinc.
- C.03.091. Canadian reference standard for globin insulin with zinc means a standard adopted by the Food and Drug Laboratories from whence portions and directions for comparative testing may be had upon application to the Chief Dominion Analyst.
- C.03.092. The biological reaction of globin insulin with zinc shall be comparable to the Canadian reference standard for globin insulin with zinc as determined by the method employed by the Food and Drug Laboratories.
- C.03.093. Globin insulin with zinc shall be a clear, colourless or almost colourless liquid, free from insoluble matter and acceptably free from turbidity, and shall contain, weight by volume,
- (a) not less than 1.3 per cent and not more than 1.7 per cent of glycerin,
 - (b) either
 - (i) not less than 0.15 per cent and not more than 0.20 per cent of cresol, or
 - (ii) not less than 0.20 per cent and not more than 0.26 per cent of phenol,
- and for each 100 International Units of insulin
- (c) not less than 0.25 milligram and not more than 0.35 milligram of zinc, as determined by the method employed by the Food and Drug Laboratories,
 - (d) not more than 1.50 milligrams of total nitrogen, as determined by the method employed by the Food and Drug Laboratories, and

(e) not less than 3.6 milligrams and not more than 4.0 milligrams of globin calculated as 6.0 times the nitrogen content of the globin, and the pH shall be between 3.4 and 3.8 as determined with a glass electrode.

C.03.094. The insulin used in the preparation of globin insulin with zinc shall be from a master lot or from a mixture of two or more previously accepted master lots and shall be present in an amount sufficient to provide either 40 or 80 International Units of insulin per cubic centimetre of the preparation.

C.03.095. The globin hydrochloride used in preparing globin insulin with zinc shall contain not less than 16 per cent and not more than 17.5 per cent of nitrogen calculated on a dry, ash-free, and hydrochloric acid-free basis, and the ash content shall not be more than 0.3 per cent as determined by the methods employed by the Food and Drug Laboratories.

C.03.096. The proper name of globin insulin with zinc shall be **Globin Insulin with Zinc**.

C.03.097. The potency of globin insulin with zinc shall be expressed in units per cubic centimetre.

C.03.098. No person shall sell globin insulin with zinc

(a) except in vials of approximately 10 cc. capacity that contain not less than 10 cc.,

(b) unless each cubic centimetre thereof provides either

(i) 40 International Units of insulin, or

(ii) 80 International Units of insulin,

(c) unless both the inner and the outer labels of every package of each strength thereof are, respectively, printed in

(i) red ink on brown stock for 40 units per cc. except that the expression *40 units per cc.* may be printed in white letters on a red background, and

(ii) green ink on brown stock for 80 units per cc. except that the expression *80 units per cc.* may be printed in white letters on a green background,

(d) unless the outer label of every package thereof carries an instruction to keep in a cold place and avoid freezing, and

(e) unless each package thereof contains a descriptive circular that includes

(i) a statement that treatment of *diabetes mellitus* requires medical supervision and review, and that preparations containing insulin should be used only as determined by a physician for each patient in the light of blood-sugar and urinary-sugar findings, and that the physician's instructions concerning diet, dosage, rest, and exercise should be followed carefully,

(ii) an outline of a procedure to be followed in withdrawing globin insulin with zinc from the vial, including technique for sterilization of syringe and needle, vial-stopper, and site of injection,

(iii) a statement explaining that injections should be subcutaneous, and not intravenous or intramuscular, and a caution against successive injections in any one site,

(iv) a statement that doses are specified in terms of *Units* and that the *volume* of each dose will depend upon the potency in terms of such units per cc. stated on the label of the product and that for these reasons it is important that the patient understand the markings on syringes,

(v) a brief explanation of *hypoglycaemia* together with emergency measures suitable for use by patients and those caring for patients in the event of hypoglycaemic reactions,

(vi) a statement indicating the possibility of undesirable reactions associated with the omission or loss of a meal, illness, infection, and shortage of globin insulin with zinc,

- (vii) a statement warning against using any other types of insulin than those prescribed by the physician,
- (viii) a statement that use of a package should not be commenced after the expiration date printed on the package,
- (ix) a statement that the contents should be used as continuously as practicable and that any vial from which a part of the contents has been withdrawn should be discarded in the event of its being in disuse for several weeks time,
- (x) a statement stressing the importance of visiting a physician regularly and carefully following his instructions, and
- (xi) a statement that if the contents of the vial become cloudy or turbid use of that vial should be discontinued.

C.03.099. No person shall sell globin insulin with zinc unless the manufacturer has submitted, to the Chief Dominion Analyst

- (a) for each master lot of insulin to be used in the preparation of globin insulin with zinc
 - (i) protocols of assay of the potency in International Units per cc. in the case of insulin and in International Units per milligram in the case zinc-insulin crystals,
 - (ii) a report of assay of the nitrogen content in milligrams per 100 International Units of insulin, or in per cent by weight,
 - (iii) a report of assay of the zinc content in milligrams per 1,000 International Units of insulin, or in per cent by weight,
 - (iv) a report of assay of the ash content in milligrams per 1,000 International Units of insulin, and
 - (v) a report of assay of the moisture content in per cent by weight determined by drying to constant weight at 100° C in the case of zinc-insulin crystals,
- (b) for the lot of globin hydrochloride used in the preparation of globin insulin with zinc
 - (i) a report of assay of the nitrogen content in per cent by weight calculated on a dry, ash-free and hydrochloric acid-free basis,
 - (ii) a report of assay of the chloride content in per cent by weight calculated as HCl, and
 - (iii) a report of assay of the ash content in per cent by weight,
- (c) for the components used in the preparation of the trial mixture of globin insulin with zinc a report on the quantity of
 - (i) the insulin in grams or in International Units,
 - (ii) the globin hydrochloride in grams or in milligrams per 100 International Units of insulin, and
 - (iii) the zinc chloride in grams or in milligrams per 1,000 International Units of insulin,
- (d) for the trial mixture of globin insulin with zinc
 - (i) protocols of biological reaction showing the retardation of the insulin effect,
 - (ii) a report of assay of the nitrogen content in milligrams per cc. or per 100 International Units of insulin,
 - (iii) a report of assay of the zinc content in milligrams per cc. or per 1,000 International Units of insulin, and
 - (iv) a report on the determination of pH employing the glass electrode,
- (e) for each finished lot of globin insulin with zinc offered for sale from each trial mixture of globin insulin with zinc a report of the weight in grams of insulin, of zinc-insulin crystals and of globin hydrochloride, and
- (f) for each finished lot of globin insulin with zinc prepared for sale from each trial mixture of globin insulin with zinc,

- (i) a report of assay of the nitrogen content in milligrams per cc. or per 100 International Units of insulin,
 - (ii) a report of assay of the zinc content in milligrams per cc. or 1,000 International Units of insulin, and
 - (iii) for the first finished lot of globin insulin with zinc made from each master lot of insulin at least 6 vials taken by random sampling,
- and in each case such submissions shall be acceptable to the Minister.

C.03.100. The expiration date of globin insulin with zinc shall be not more than 18 months after the date of filling of the immediate container.

NPH Insulin

C.03.111. NPH Insulin is a preparation of crystals containing insulin, protamine and zinc, suspended in a buffered medium, and the protamine shall be prepared from the sperm or from the mature testes of fish belonging to the family *Salmonidae*, genera *Oncorhynchus* Suckley, *Salmo* Linne or *Trutta* Jordan and Everman.

C.03.112. The precipitate suspended in NPH Insulin shall be crystalline.

C.03.113. The clear supernatant liquid obtained from NPH Insulin by centrifuging or by filtration shall conform to the test for isophane conditions as determined by a method acceptable to the Food and Drug Laboratories.

C.03.114. The isophane ratio means the minimum number of milligrams of protamine required to precipitate 100 International Units of insulin and shall be determined by a method acceptable to the Food and Drug Laboratories.

C.03.115. NPH Insulin shall be a white suspension free from large particles following moderate agitation and shall contain, weight by volume,

- (a) not less than 0.15 per cent and not more than 0.25 per cent of anhydrous disodium phosphate,
- (b) either
 - (i) not less than 1.4 per cent and not more than 1.8 per cent of glycerin and not less than 0.15 per cent and not more than 0.17 per cent of meta-cresol and not less than 0.06 per cent and not more than 0.07 per cent of phenol, or
 - (ii) not less than 0.42 per cent and not more than 0.45 per cent of sodium chloride and not less than 0.7 per cent and not more than 0.9 per cent of glycerin and not less than 0.18 per cent and not more than 0.22 per cent of meta-cresol,

and for each 100 International Units of insulin

- (c) not more than 0.85 milligram of nitrogen as determined by the method employed by the Food and Drug Laboratories,
- (d) not less than 0.3 milligram and not more than 0.6 milligram of protamine provided that this quantity is not less than that of the isophane ratio and does not exceed that of the isophane ratio by more than 10 per cent, and
- (e) not less than 0.016 milligram and not more than 0.04 milligram of zinc as determined by the method employed by the Food and Drug Laboratories,

and the pH of the preparation shall be between 7.1 and 7.4 as determined with a glass electrode.

C.03.116. The insulin used in the preparation of NPH Insulin shall be zinc-insulin crystals and shall be obtained from an acceptable master lot or from a mixture of two or more acceptable master lots, and shall be present in an amount sufficient to provide either 40 or 80 International Units of insulin for each cubic centimetre of the preparation.

C.03.117. The protamine used in preparing NPH Insulin when dried to constant weight at 100° C shall contain not less than 22.5 per cent and not more than 25.5 per cent of nitrogen as determined by the method employed by the Food and Drug Laboratories.

C.03.118. The proper name of NPH Insulin shall be **NPH Insulin**.

C.03.119. The potency of NPH Insulin shall be expressed in units per cubic centimetre.

C.03.120. No person shall sell NPH Insulin

- (a) except in vials of approximately 10 cc. capacity that contain not less than 10 cc.,
- (b) unless each cubic centimetre thereof provides either
 - (i) 40 International Units of insulin, or
 - (ii) 80 International Units of insulin,
- (c) unless both the inner and outer labels of every package of each strength thereof are, respectively, printed in
 - (i) red ink on blue stock for 40 units per cc., and
 - (ii) green ink on blue stock for 80 units per cc.,
- (d) unless the outer label of every package thereof carries an instruction to keep in a cold place and avoid freezing,
- (e) unless the inner label of every package thereof carries the statement "Shake carefully", and
- (f) unless each package thereof contains a descriptive circular that includes:
 - (i) a statement that treatment of *diabetes mellitus* requires medical supervision and review, and that preparations containing insulin should be used only as determined by a physician for each patient in the light of blood-sugar and urinary-sugar findings, and that the physician's instructions concerning diet, dosage, rest and exercise should be followed carefully,
 - (ii) an outline of a procedure to be followed in withdrawing NPH Insulin from the vial, including technique for sterilization of syringe and needle, vial-stopper, and site of injection,
 - (iii) a statement explaining that injections shall be subcutaneous, and not intravenous or intra-muscular, and a caution against successive injections in any one site,
 - (iv) a statement that doses are specified in terms of *Units* and that the *volume* of each dose will depend upon the potency in terms of such units per cc. stated on the label of the product and that for these reasons it is important that the patient understand the markings on syringes,
 - (v) a brief explanation of *hypoglycaemia* together with emergency measures suitable for use by patients and those caring for patients in the event of hypoglycaemic reactions,
 - (vi) a statement indicating the possibility of undesirable reactions associated with the omission or loss of a meal, illness, infection, and shortage of NPH Insulin,
 - (vii) a statement warning against using any other types of insulin than those prescribed by the physician,
 - (viii) a statement that use of a package should not be commenced after the expiration date printed on the package,
 - (ix) a statement that the contents should be used as continuously as practicable and that any vial from which a part of the contents has been withdrawn should be discarded in the event of its being in disuse for several weeks' time,
 - (x) a statement stressing the importance of visiting a physician regularly and carefully following his instructions, and
 - (xi) a statement explaining that it is necessary to shake the vial of NPH Insulin carefully before withdrawing a dose, noting that

if the contents have become lumpy or granular in appearance or have formed a deposit of solid particles on the wall of the container, the use of that vial should be discontinued.

C.03.121. No person shall sell NPH Insulin unless the manufacturer has submitted to the Chief Dominion Analyst,

- (a) for each master lot of zinc-insulin crystals to be used in the preparation of NPH Insulin,
 - (i) protocols of assay of potency in International Units per milligram,
 - (ii) a report of assay of the nitrogen content in milligrams per 100 International Units of insulin,
 - (iii) a report of assay of the zinc content in milligrams per 1,000 International Units of insulin,
 - (iv) a report of assay of the ash content in milligrams per 1,000 International Units of insulin, and
 - (v) a report of assay of the moisture content in per cent by weight determined by drying to constant weight at 100° C,
 - (b) for the lot of protamine used in the preparation of NPH Insulin,
 - (i) a report of assay of the nitrogen content in per cent by weight, on the dry basis, and
 - (ii) a report of the isophane ratio of protamine and insulin used in the preparation of NPH Insulin,
 - (c) for the trial mixture of NPH Insulin,
 - (i) a report of assay of the nitrogen content in milligrams per cc. or per 100 International Units of insulin,
 - (ii) a report of assay of the zinc content in milligrams per cc. or per 1,000 International Units of insulin,
 - (iii) a report on the test for isophane conditions,
 - (iv) a report on the determination of the pH employing the glass electrode, and
 - (v) a report on the microscopic examination of the precipitate, and
 - (d) for the first finished lot of NPH Insulin offered for sale from each master lot of NPH Insulin,
 - (i) a report of the amount of insulin and protamine employed,
 - (ii) a report on the identification of NPH Insulin as determined by a method acceptable to the Food and Drug Laboratories,
 - (iii) a report of assay of the nitrogen content in milligrams per cc. or per 100 International Units of insulin,
 - (iv) a report of assay of the zinc content in milligrams per cc. or per 1,000 International Units of insulin,
 - (v) a report on the microscopic examination of the precipitate, and
 - (vi) at least 6 vials taken by random sampling,
- and in each case such submission shall be acceptable to the Minister.

C.03.122. The expiration date of NPH Insulin shall be not more than 18 months after the date of filling of the immediate container.

Anterior Pituitary Extracts

C.03.175. Anterior pituitary extract includes all natural products, prepared from the anterior lobe of the pituitary gland of animals, having physiological properties associated with the hormones of the anterior pituitary gland.

C.03.176. Reference standards for anterior pituitary extract shall be

- (a) the International Standard,
- (b) where no International Standard exists, the Canadian reference standard shall be that established and kept in the Food and Drug Laboratories from whence portions for comparative testing may be had upon application to the Chief Dominion Analyst, and

- (c) where neither an International Standard nor a Canadian reference standard exists, a provisional reference standard that shall be a suitable quantity of the product submitted by the manufacturer to the Food and Drug Laboratories for checking the uniformity of the product.

C.03.179. The proper name of an anterior pituitary extract shall be, respectively,

- (a) **Adrenocorticotrophic Hormone, Corticotrophin, ACTH,**
- (b) **Thyrotrophic Hormone, Thyrotrophin,**
- (c) **Growth Hormone Pituitary,**
- (d) **Lactogenic Hormone, Prolactin,**
- (e) **Gonadotrophic Hormone, Gonadotrophin,** followed by qualifying words to indicate the gonadotrophic activity associated with the extract, and if unpurified anterior pituitary extract
- (f) **Pituitary Extract Anterior Lobe** followed by qualifying words to indicate the physiological properties associated with it.

Radioactive Isotopes

C.03.201. Radioactive isotopes includes all substances having the property of emitting alpha or beta particles or gamma rays.

C.03.202. The unit of activity of radioactive isotopes shall be expressed in terms of the International curie.

C.03.203. The proper name of radioactive isotopes shall be the name of the respective atom showing its mass number and the compound in which it is combined.

C.03.204. No person shall sell radioactive isotopes unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) a statement of the activity in International curies, and
- (b) a statement of the date when the labelled activity was measured.

C.03.205. No person shall ship radioactive isotopes unless they are packaged in such a manner that the hazard of handling is sufficiently reduced to satisfy the standards required by the regulations of the Board of Transport Commissioners.

Division 4

Drugs of Part III of Schedule B to the Act¹⁶

C.04.001. Notwithstanding anything contained in these regulations, in this Division

- (a) "drug" means the following drugs mentioned or described in PART III of SCHEDULE B to the Act that are intended for the diagnosis, prevention, or treatment of disease in man:

- (i) a drug prepared from micro-organisms or viruses, that shall be a drug manufactured from
 - (1) the minute living cause of any infectious disease that is ordinarily visible by ordinary microscopic methods of examination, and shall include vaccines, lysates, extracts, toxins, toxoids, and the like, prepared therefrom, or
 - (2) the minute living cause of an infectious disease that is ordinarily invisible by ordinary microscopic methods of examination, and shall include virus vaccines living and dead, rickettsial vaccines living and dead, and any drug prepared from viruses or rickettsiae including the host on which they are propagated,
- (ii) a serum and a drug analogous thereto, that shall be any drug obtained from the blood of man or animal, and
- (iii) an antibiotic, that shall be a drug, such as penicillin or streptomycin, prepared from certain micro-organisms and that possesses inhibitory action on the growth of other micro-organisms,

¹⁶ See page 308.

- (b) "licence" means a licence issued according to the provisions of this Division,
- (c) "foreign licence" means a licence issued by a Department of the Government of the country in which the drug is manufactured, and
- (d) "manufacturer" means a manufacturer holding a licence under the provisions of this Division.

C.04.002. No person shall manufacture, in whole or in part, without a licence a living vaccine for oral use, or

- (a) a drug prepared from micro-organisms or viruses,
 - (b) a serum or a drug analogous thereto, or
 - (c) an antibiotic
- for parenteral use.¹⁷

C.04.003. The date of manufacture of a drug shall be

- (a) for products for which a standard of potency exists, the date of satisfactorily passing a potency test,
- (b) for products for which no standard of potency exists,
 - (i) the date of removal from the animal in the case of animal products, or
 - (ii) the date of cessation of growth in the case of other than animal products, and
- (c) for antibiotics, the date of the final drying process at the time of production.

C.04.004. The date of issue of a drug¹⁸ shall be the date on which the finished product is removed from cold storage but in any case, shall not be later than

- (a) 6 months after the date of manufacture for a drug that has been kept constantly at a temperature not exceeding 10°C,
- (b) 12 months after the date of manufacture for a drug that has been kept constantly at a temperature not exceeding 5°C, or
- (c) 2 years after the date of manufacture for a drug that has been kept constantly at a temperature not exceeding 0°C.

C.04.005. All materials and equipment that accompany any package of drug, and that are intended to be used in its administration, shall be deemed to form a part of such drug.

C.04.006. Application for a licence shall be made to the Minister on a form that may be obtained from him on request.

C.04.007. An application for a licence shall be accompanied by a fee of ten dollars payable to the Receiver General of Canada.

C.04.008. Subject to the provisions of C.04.006 and C.04.007 the Minister may issue a licence to a manufacturer to manufacture one or more drugs, and may cancel or suspend any licence with respect to any one or more drugs covered thereby.

C.04.009. A licence shall continue in force for twelve months from April first of the year of issue thereof unless cancelled or suspended.

C.04.010. A licence may be issued only after inspection of an establishment and examination of the drug for the manufacture of which the licence is desired, and a fee of ten dollars may be charged for the inspection, and there may be charged in addition the daily living and travelling expenses of the inspection officer who makes the inspection.¹⁹

C.04.011. The Minister may at any time and without notice make or cause to be made an inspection of the establishment of any manufacturer.

¹⁷ See A.02.018 and C.01.025 to C.01.027.

¹⁹ See C.04.016 and C.04.017.

¹⁸ See C.04.119.

- C.04.012. Where a licence is refused, cancelled, or suspended following inspection all conditions that were made the basis of refusal, cancellation, or suspension shall be corrected by the manufacturer before re-inspection is made.
- C.04.013. The Minister may cause to be published in *The Canada Gazette* notice of cancellation or suspension of a licence.
- C.04.014. A manufacturer shall make available for inspection at any time all premises, appliances, stables, barns, warehouses, records, and methods employed in actual operations, and shall, with respect to the manufacture and sale of a drug, fully disclose
- (a) the professional standing of all persons technically employed,
 - (b) the methods of preparation, storing, dispensing, and
 - (c) any other details.
- C.04.015. An inspection officer may demand any material used in the production of a drug, and samples of the finished drug.
- C.04.016. Notwithstanding the provisions of C.04.010 where a manufacturer already holds a licence the Minister may permit the manufacturer to manufacture other drugs except B.C.G. vaccine under the same licence without re-inspection of the manufacturer's establishment.
- C.04.017. Notwithstanding the provision of C.04.010 a person who manufactures a drug outside of Canada and who holds a foreign licence may be issued a licence without inspection of his establishment where it is made to appear to the satisfaction of the Minister that the conditions of the foreign licence and the supervision of the manufacture are at least as stringent as required in Canada and where the Minister deems it to be in the public interest to issue a licence.
- C.04.018. Inspection of the establishment of a manufacturer who applies for a licence shall not be made until assurance is received that the establishment is in running order and prepared to manufacture the drug for which a licence to manufacture is desired.
- C.04.019. A person who holds a licence to manufacture a drug outside of Canada shall file with the Minister the names and addresses of his Canadian representatives, who shall be required to maintain the same records of the distribution in Canada of such drug that are required of domestic manufacturers, and failure to maintain such records shall constitute grounds for cancellation of the licence.
- C.04.020. A manufacturer shall maintain his premises under the direct control and personal supervision of a responsible, qualified person.
- C.04.021. No person shall sell smallpox vaccine to which any antibiotic has been added.
- C.04.022. A manufacturer shall safely segregate all work with spore-bearing, pathogenic micro-organisms and other infectious agents known to require special precautions in manipulation and shall take such care of equipment and arrangements for supervision that the possibility of contamination of other drugs is avoided.
- C.04.023. No manufacturer shall conduct laboratory procedures of a diagnostic nature in his premises unless such procedures are entirely segregated from the production of drugs.
- C.04.024. Subject to these regulations a manufacturer shall keep records in form satisfactory to the Minister of each lot of a drug respecting
- (a) its manufacture,
 - (b) its testing,
 - (c) its disposition, and
 - (d) its distribution,
- and in each case the date thereof.

- C.04.025.** Upon written request from the Chief Dominion Analyst a manufacturer shall submit protocols of tests together with samples of any lot of any drug, and no person shall import or sell any lot of which the protocol or sample fails to meet the requirements of these regulations.
- C.04.026.** A manufacturer shall notify the Minister immediately of any deficiency or alleged deficiency concerning the quality, safety, or efficacy of any drug manufactured by him.
- C.04.027.** A manufacturer shall withdraw from sale and shall recall any drug that in the opinion of the Minister is deficient in any respect.
- C.04.028.** No person shall import or sell any drug that does not meet any test required by these regulations.
- C.04.029.** A manufacturer shall test each filling of each lot of a drug for sterility by a method acceptable of the Laboratory of Hygiene and each lot shall be sterile.²⁰
- C.04.030.** A manufacturer shall test, after the final containers of a drug have been labelled, each filling of each lot of a drug, where applicable, by a method acceptable to the Laboratory of Hygiene for
- (a) identity, and it shall be true to name,
 - (b) safety by animal inoculation, and it shall be safe, and
 - (c) pyrogens, and it shall be pyrogen-free.
- C.04.031.** All animals from which drugs are produced shall be
- (a) under the direct supervision of competent medical or veterinary personnel,
 - (b) kept in quarantine by the manufacturer for at least seven days before use, and
 - (c) healthy and free from infectious disease.
- C.04.032.** A manufacturer shall keep necropsy records of all animals that die or are killed after having been used in the production of a drug.
- C.04.033.** A manufacturer shall immediately segregate, and report the fact to the Minister, any animal with actual or suspected disease such as foot and mouth disease, encephalomyelitis, infectious anaemia, glanders, anthrax, or tetanus.
- C.04.034.** Subject to these regulations no person shall sell a drug specified in this DIVISION unless the label of every package thereof carries, where applicable, legibly and conspicuously,
- (a) on both the inner and the outer labels
 - (i) the name of the manufacturer and the proper name of the drug that shall be specified in his licence,
 - (ii) the potency of the drug,
 - (iii) the recommended dose of the drug,
 - (iv) the lot number,²¹ and
 - (v) the expiration date except upon the inner label of a single-dose container, and
 - (b) on the outer label
 - (i) the address of the manufacturer,
 - (ii) the Canadian Licence number of the manufacturer,
 - (iii) the name and amount of any preservative in the drug,
 - (iv) a statement that the drug shall be stored at a temperature of not less than 2°C and not more than 10°C, and
 - (v) a statement of the net contents as required by paragraph (f) of section seven of the Act.

²⁰ See C.04.084, and C.04.115.

²¹ The lot number should be preceded by the words "Lot Number", or by "Lot No", "Lot", or "(L)".

Bacterial Vaccines, Products Analogous to Bacterial Vaccines

- C.04.050.** Except where otherwise specifically provided by these regulations, a bacterial vaccine shall be a sterile suspension of killed cultures of bacteria, with or without the addition of other medication, and shall not include an autogenous vaccine.
- C.04.051.** A manufacturer shall test, by generally accepted methods, any culture that is to be used in the preparation of a bacterial vaccine for
- (a) identity, and it shall be true to name, and
 - (b) purity, and it shall be a pure strain,
- and his records shall include a record of the origin, properties, and characteristics of any such culture.
- C.04.052.** No manufacturer shall use a substrate (culture medium), in the production of a bacterial vaccine, that contains any horse meat or horse serum.
- C.04.053.** A manufacturer of a bacterial vaccine prepared from a bacterium that does not grow readily in ordinary culture media shall test its sterility in media which are specially favourable to the growth of such bacterium, and it shall be sterile.
- C.04.054.** No person shall sell a bacterial vaccine unless both the inner and the outer labels of every multiple-dose container and the outer label of every single dose container carry, legibly and conspicuously, a statement of
- (a) the number of bacteria per millilitre, or the weight of dried substance of bacteria per millilitre.²²
 - (b) the number of bacteria per millilitre, or the weight of dried substance of bacteria per millilitre, of each species or immunogenic type for a vaccine that contains a number of different species or immunogenic types of bacteria,
 - (c) the exact nature and amount of any substance, other than a simple diluent, combined with such vaccine, and
 - (d) the recommended dose, but the inner label of a single-dose container shall carry a statement that the container contains only one dose.
- C.04.055.** The expiration date of a bacterial vaccine shall be not more than 18 months after the date of manufacture or the date of issue.²³

Typhoid Vaccine

- C.04.060.** Cultures of *Salmonella typhosa* used in the preparation of typhoid vaccine shall be mouse-virulent when tested by a method acceptable to the Laboratory of Hygiene and shall be in the Vi form.
- C.04.061.** No person shall sell any lot of typhoid vaccine unless such lot has been shown to meet a test for potency acceptable to the Laboratory of Hygiene.

Whooping Cough Vaccine

- C.04.065.** A manufacturer shall use only strains of *Haemophilus pertussis* that meet the requirements of an antigenic test acceptable to the Laboratory of Hygiene for the preparation of whooping cough (pertussis) vaccine.
- C.04.066.** No person shall sell any lot of whooping cough (pertussis) vaccine unless such lot has been shown to meet a test for potency acceptable to the Laboratory of Hygiene.

B.C.G. (Bacille Calmette-Guerin) Vaccine

- C.04.070.** B.C.G. Vaccine shall be prepared from living B.C.G. organisms that
- (a) have been obtained directly from a source approved by the Laboratory of Hygiene,
 - (b) are proved to be non-pathogenic by methods acceptable to the Laboratory of Hygiene, and
 - (c) have a history of successful use in the production of B.C.G. vaccine.

²² See C.04.083.²³ See C.04.080.

- C.04.071.** No manufacturer shall employ any person in the manufacture of B.C.G. vaccine unless such person
- (a) has been and remains free from all forms of tuberculous infection,
 - (b) undergoes every 6 months a medical examination, that shall include an X-ray examination of the chest, for the presence of tuberculosis, such examination being made by a qualified, practising physician who shall sign a certificate of such person's freedom from tuberculosis, and such certificate shall be kept on file and be available at all times, and
 - (c) resides in a household that is at all times free from active tuberculosis, nor shall such manufacturer employ such person in any other laboratory position.
- C.04.072.** The manufacturer of B.C.G. vaccine shall be under the direct supervision of an experienced, medically qualified bacteriologist who shall have graduated in medicine from a university of recognized standing with
- (a) not less than 3 years postgraduate training in bacteriology and immunology,
 - (b) specialization in the field of the bacteriology and pathology of tuberculosis, and
 - (c) at least one year of practical experience in the manufacture of B.C.G. vaccine.
- C.04.073.** No manufacturer shall permit any culture that is not a B.C.G. culture to be at any time on any premises that are used for the manufacture of B.C.G. vaccine.
- C.04.074.** A manufacturer shall test by a method acceptable to the Laboratory of Hygiene, immediately after filling of the final container, each lot of B.C.G. vaccine for the presence of contaminating micro-organisms and it shall be free therefrom.
- C.04.075.** Notwithstanding C.04.074 a fluid B.C.G. vaccine may be released for sale if no growth has appeared upon the test culture medium after an incubation of 24 hours, but if there is evidence of the presence of contaminating micro-organisms in any lot during the test period of 10 days the manufacturer shall at once recall such lot.
- C.04.076.** A manufacturer shall determine the number of viable B.C.G. organisms in each lot of vaccine by a method acceptable to the Laboratory of Hygiene, and shall keep a record of the number.
- C.04.077.** A manufacturer of B.C.G. vaccine shall keep, at a temperature not exceeding 5·0°C, and for not less than 6 months,
- (a) the culture on glycerine-water potato medium from which the Sauton I and Sauton II subcultures were made, and
 - (b) not less than six vials of the final product from each lot thereof.
- C.04.078.** A manufacturer of B.C.G. vaccine shall keep, in form satisfactory to the Minister, continuous clinical records of the use of B.C.G. vaccine in humans.
- C.04.079.** A manufacturer of B.C.G. vaccine shall examine pathologically all test animals used and shall immediately report to the Minister any evidence of active, progressive tuberculosis in any such animals.
- C.04.080.** Notwithstanding the provisions of C.04.055 the expiration date for fluid B.C.G. vaccine shall be not more than 10 days after harvesting.
- C.04.081.** No person shall sell fluid B.C.G. vaccine that is not packaged in containers sealed by fusion.
- C.04.082.** No inner label shall be required for B.C.G. vaccine in single-dose containers.

- C.04.083. Notwithstanding the provisions of C.04.054 no person shall sell B.C.G. vaccine unless the label carries, legibly and conspicuously, a statement of
- (a) the weight of bacteria per millilitre, and
 - (b) the route of administration of the vaccine.
- C.04.084. The provision of C.04.029 does not apply in the case of B.C.G. vaccine.

Products Analogous to Bacterial Vaccines

- C.04.090. A product analogous to a bacterial vaccine shall be
- (a) a bacterial antigen, other than a bacterial vaccine, such as a lysate, or
 - (b) an extract prepared from a bacterial culture,
- and shall conform to the requirements of these regulations for bacterial vaccines except those of paragraphs (a) and (b) of C.04.054.
- C.04.091. The expiration date of a product analogous to a bacterial vaccine shall be not more than 18 months after the date of manufacture or the date of issue, but for dried tuberculin and tuberculin containing at least 50 per cent glycerin the expiration date shall be not more than five years after the date of manufacture or the date of issue, and for all other tuberculins not more than 12 months after the date of manufacture or the date of issue.

Virus and Rickettsial Vaccines

- C.04.100. A virus vaccine, rickettsial vaccine, shall be a suspension of, or prepared from, living or killed viruses or rickettsiae.
- C.04.101. A manufacturer shall submit to the Minister for his approval at the time application for licence is made to manufacture a virus or rickettsial vaccine details of the source of the strains of viruses or rickettsiae used, the method of their propagation, the method of manufacture of the vaccine, and the methods employed for determining sterility, safety, identity, potency, and any other tests required by these regulations.
- C.04.102. Upon written request from the Chief Dominion Analyst a manufacturer shall submit with respect to each lot of virus or rickettsial vaccine, when ready for sale, detailed protocols of sterility, safety, identity, potency, and of any other tests required by these regulations.

Smallpox Vaccine

- C.04.110. Smallpox vaccine is a virus vaccine and shall be the living virus of vaccinia obtained from the vesicles produced in the skin of healthy calves by inoculation of vaccinia virus.
- C.04.111. A manufacturer shall manufacture smallpox vaccine only in an independent unit that is so designed as to afford strict isolation from all other laboratory activities and in or about which no extraneous materials shall be permitted or stored.
- C.04.112. A manufacturer shall exclude the personnel, who care for the vaccine animals, from horse stables and paddocks and from contact with horses while smallpox vaccine is being propagated.
- C.04.113. A manufacturer shall dispense smallpox vaccine only in sterile glass containers that are sealed under aseptic conditions.
- C.04.114. A manufacturer shall test smallpox vaccine for the presence of any gas-producing spore-forming anaerobic organism or any haemolytic streptococcus and it shall be free therefrom.
- C.04.115. Notwithstanding the provisions of C.04.029 smallpox vaccine shall not contain more than 500 viable non-pathogenic bacteria per millilitre when tested by a method acceptable to the Laboratory of Hygiene.
- C.04.116. Smallpox vaccine shall produce a confluent take when 0.05 millilitre of a 1 in 500 dilution is spread over 2 square inches of the scarified skin of a normal rabbit.

- C.04.117. No person shall sell smallpox vaccine unless the outer label of every package thereof carries, legibly and conspicuously, a statement that it shall be stored at a temperature of not more than 5°C.
- C.04.118. The expiration date of smallpox vaccine shall be not more than 3 months after the date of manufacture or the date of issue.
- C.04.019. Notwithstanding the provisions of C.04.004 the date of issue of smallpox vaccine shall be not more than 9 months after the date of manufacture where the vaccine has been stored at a temperature below 0°C.
- C.04.120. No inner label shall be required for smallpox vaccine in single-dose containers or when dispensed in capillary tubes.

Bacteriophage

- C.04.130. Bacteriophage is a virus preparation with specific lytic action against micro-organisms actually or potentially pathogenic.
- C.04.131. The expiration date of bacteriophage shall be not more than 12 months after the date of manufacture or the date of issue.

Toxins, Toxoids

Schick Test Reagents

- C.04.140. Schick test reagents for the diagnosis of susceptibility to diphtheria shall be
- (a) diphtheria toxin for Schick test,
 - (b) Schick control, and
 - (c) diphtheria toxin for Schick test with control.
- C.04.141. Diphtheria toxin for Schick test shall be sterile diluted diphtheria toxin stabilized by a method acceptable to the Laboratory of Hygiene.
- C.04.142. Schick control shall be suitably diluted
- (a) diphtheria toxoid, or
 - (b) sterile diphtheria toxin heated at a temperature of 95° C for 5 minutes.
- C.04.143. Diphtheria toxin for Schick test and Schick control may be packaged together.
- C.04.144. The human test dose of diphtheria toxin for Schick test, when aged toxin containing a preservative is used, shall be determined by
- (a) intracutaneous injection into normal guinea pigs or normal rabbits in mixtures with different proportions of diphtheria antitoxin, and one test dose mixed with 1/750 or more of a unit of antitoxin must cause no local reaction but mixed with 1/1250 or less of a unit of antitoxin must cause a definite local reaction of the type known as the "positive Schick reaction", and
 - (b) intracutaneous injection into normal guinea pigs or normal rabbits without admixture with antitoxin, and 1/50 of one test dose must not cause, and 1/25 of one test dose must cause, a definite local reaction of the type known as the "positive Schick reaction".
- C.04.145. The human test dose of diphtheria toxin for Schick test, when fresh toxin containing no preservative is used, shall be determined by
- (a) intracutaneous injection into normal guinea pigs or normal rabbits in mixtures with different proportions of diphtheria antitoxin, and one test dose mixed with 1/750 or more of a unit of antitoxin must cause no local reaction, but mixed with 1/1500 or less of a unit of antitoxin must cause a definite local reaction of the type known as the "positive Schick reaction", and
 - (b) intracutaneous injection into normal guinea pigs or normal rabbits without admixture with antitoxin, and 1/100 of one test dose must not cause, and 1/50 of one test dose must cause, a definite local reaction of the type known as the "positive Schick reaction".
- C.04.146. The human test dose for the Schick control shall give a negative Schick reaction when injected intracutaneously into normal guinea pigs or normal rabbits.

C.04.147. No person shall sell diphtheria toxin for Schick test unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the number of human test doses it contains together with the name of any stabilizer.

C.04.148. The expiration date of Schick test reagents for the diagnosis of susceptibility to diphtheria shall be not more than 12 months after the date of manufacture or the date of issue.

Diphtheria Toxoid

C.04.160. Liquid diphtheria toxoid shall be sterile, formalized, detoxified diphtheria toxin and shall not contain more than 0.02 per cent of free formaldehyde.

C.04.161. Alum precipitated diphtheria toxoid shall be prepared from diphtheria toxoid, and shall not contain more than 15 milligrams of alum per human dose.

C.04.162. The alum used in the preparation of diphtheria toxoid alum precipitated shall contain not less than 99.5 per cent of pure potassium alum, $\text{Al K}(\text{SO}_4)_2 \cdot 12\text{H}_2\text{O}$.

C.04.163. No manufacturer shall use a culture medium for the production of diphtheria toxin that contains horse protein or Witte peptone or that has not been freed as far as possible from any other allergenic ingredient.

C.04.164. Diphtheria toxin from which diphtheria toxoid is prepared shall have a toxicity, as indicated by an L+ dose, of not more than 0.20 millilitre or by an M.L.D. of not more than 0.0025 millilitre.

C.04.165. A manufacturer shall test each bulk container of diphtheria toxoid, before being dispensed into the final containers, for toxicity by a method acceptable to the Laboratory of Hygiene, and it shall be non-toxic.

C.04.166. No person shall sell any lot of diphtheria toxoid unless such lot has been shown to meet a test for antigenicity acceptable to the Laboratory of Hygiene.

C.04.167. A manufacturer shall fill diphtheria toxoid aseptically into clear glass containers and where preservative is not added shall seal the containers by fusion.

C.04.168. No person shall sell diphtheria toxoid that contains phenol.

C.04.169. No person shall sell diphtheria toxoid unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the appropriate dose for purposes of immunization.

C.04.170. The expiration date of diphtheria toxoid shall be not more than two years after the date of manufacture or the date of issue.

Tetanus Toxoid

C.04.180. Liquid tetanus toxoid shall be sterile, formalized, detoxified tetanus toxin, and shall not contain more than 0.02 per cent of free formaldehyde.

C.04.181. Alum precipitated tetanus toxoid shall be prepared from tetanus toxoid, and shall not contain more than 15 milligrams of alum per human dose.

C.04.182. The alum used in the preparation of tetanus toxoid alum precipitated shall contain not less than 99.5 per cent of pure potassium alum, $\text{Al K}(\text{SO}_4)_2 \cdot 12\text{H}_2\text{O}$.

C.04.183. A manufacturer shall not use a culture medium for the production of tetanus toxin that contains horse protein or Witte peptone or that has not been freed as far as possible from any other allergenic ingredient.

C.04.184. Tetanus toxin from which tetanus toxoid is prepared shall have a toxicity as indicated by an M.L.D. for the guinea pig of not more than 0.0001 millilitre.

- C.04.185. A manufacturer shall test each bulk container of tetanus toxoid, before being dispensed into the final containers, for toxicity by a method acceptable to the Laboratory of Hygiene, and it shall be non-toxic.
- C.04.186. No person shall sell any lot of tetanus toxoid unless such lot has been shown to meet a test for antigenicity acceptable to the Laboratory of Hygiene.
- C.04.187. No person shall sell tetanus toxoid unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the appropriate dose for purposes of immunization.
- C.04.188. A manufacturer shall fill tetanus toxoid aseptically into clear glass containers and where a preservative is not added shall seal the container by fusion.
- C.04.189. No person shall sell tetanus toxoid that contains phenol.
- C.04.190. The expiration date of tetanus toxoid shall be not more than 2 years after the date of manufacture or the date of issue.

Antitoxins, Antisera

- C.04.210. An antitoxin or antiserum shall be the serum or fraction thereof separated from the blood of animals that have been artificially immunized against the by-products or antigenic fractions of specific cultures of micro-organisms, or against specific venoms.
- C.04.211. The potency of an antitoxin or antiserum shall be determined by a method acceptable to the Laboratory of Hygiene and, except for tetanus antitoxin, where applicable the unit of potency shall be the International Unit.
- C.04.212. Liquid diphtheria antitoxin shall have a potency of not less than 500 International Units per millilitre.
- C.04.213. Liquid tetanus antitoxin shall have a potency of not less than 400 International Units per millilitre.
- C.04.214. A liquid antitoxin or antiserum shall contain not more than 20 per cent of solids.
- C.04.215. A dried antitoxin shall be prepared from a liquid antitoxin and, when reconstituted to the original volume of the liquid antitoxin, shall have a potency not less than that prescribed for such liquid antitoxin.
- C.04.216. A dried antitoxin or antiserum shall not contain more than 1 per cent of moisture when determined by a method acceptable to the Laboratory of Hygiene.
- C.04.217. Each lot of antitoxin or antiserum shall be tested by methods acceptable to the Laboratory of Hygiene for pyrogenicity and it shall be pyrogen-free, and, after filling into the final containers, for identity and it shall be true to name.
- C.04.218. No person shall sell an antitoxin or antiserum unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the species of animal used, when other than the horse, and the net contents in millilitres or the number of units in the container.
- C.04.219. The expiration date shall be
- (a) for liquid antitoxins with standards of potency
 - (i) not more than 12 months after the date of manufacture or the date of issue for those with a 20 per cent excess of potency,
 - (ii) not more than 2 years after the date of manufacture or the date of issue for those with a 30 per cent excess,
 - (iii) not more than 3 years after the date of manufacture or the date of issue for those with a 40 per cent excess, and

- (iv) not more than 4 years after the date of manufacture or the date of issue for those with a 50 per cent excess,
- (b) for liquid antitoxins with no standards of potency, not more than 12 months after the date of manufacture or the date of issue,
- (c) for liquid antidysentery serum, not more than 18 months after the date of manufacture or the date of issue,
- (d) for any other liquid antiserum not more than 12 months after the date of manufacture or the date of issue, and
- (e) for dried antitoxin and dried antiserum not more than 5 years after the date of manufacture or the date of issue.

Preparations from Human Sources

- C.04.230. Preparations from human sources shall be pooled blood plasma, or pooled blood serum, or fractions of either separated by established methods.
- C.04.231. A manufacturer shall obtain human serum, human plasma, only from a person certified by a qualified medical practitioner to be healthy, and shall not use a person with a history of a disease transmissible by blood transfusion including syphilis, infectious hepatitis, or malaria to serve as a donor of blood, placenta, or cord.
- C.04.232. The operation of drawing blood from a donor shall be under the supervision of a qualified medical practitioner, and shall be carried out in a suitable bleeding room under the control of the manufacturer.
- C.04.233. A manufacturer shall obtain human placenta and cord used in the manufacture of preparations from human sources only from women confined in public hospitals, and the donor of such placenta and cord shall have been free from the toxæmias of pregnancy, and the placenta and cord shall not show gross evidence of any pathological condition.
- C.04.234. Dried human serum, dried human plasma, or dried fractions of either, shall not contain more than 1 per cent of moisture when determined by a method acceptable to the Laboratory of Hygiene.
- C.04.235. A manufacturer shall provide directions or means for the removal of particles of such size as to be dangerous to the recipient from preparations from human sources that are issued in fluid form or that are reconstituted from the dried form.
- C.04.236. A manufacturer of preparations from human sources shall maintain complete records of all donors, which records shall include the medical certificate prescribed by C.04.231.
- C.04.237. A manufacturer may issue human serum, or human plasma, or fractions of either of these for prophylactic or therapeutic use in any of the following forms
- (a) immune human serum, which shall be the serum separated from the blood of persons recovered from the disease for which the serum is intended as a prophylactic or therapeutic agent,
 - (b) immune human globulins, or other immune human serum fractions, which shall be prepared from immune human serum or plasma,
 - (c) normal human serum, or normal human plasma, or fractions of either of these prepared from the blood of normal individuals, and
 - (d) dried products prepared from any of these.
- C.04.238. No person shall sell a preparation from human sources unless both the inner and the outer labels of every package thereof clearly indicate that the preparation is derived from human sources.
- C.04.239. The expiration date for preparations from human sources issued in fluid form shall be not more than 18 months after the date of manufacture or the date of issue, and for those issued in dried form, not more than 5 years after the date of manufacture or the date of issue.

C.04.240. The date of manufacture of preparations from human sources shall be the date of bleeding the donor.

*Antibiotics*²⁴

C.04.300. An antibiotic includes penicillin, streptomycin, and the like, their salts and derivatives, and preparations of any of them.²⁵

C.04.301. Upon request from the Chief Dominion Analyst a manufacturer shall submit protocols of tests of each lot of antibiotic manufactured for sale in Canada together with two or more ampoules taken as a sample from the lot prior to its being sold, and no person shall import or sell any lot of which the protocol or sample fails to meet the requirements of these regulations.

C.04.302. Subject to these regulations, and notwithstanding the provisions of C.04.034, no person shall sell an antibiotic unless the label of every package thereof carries, legibly and conspicuously,

(a) on both the inner and the outer labels

- (i) the name of the manufacturer or distributor and the proper name of the drug that shall be that specified in his licence,
- (ii) the potency of the drug,
- (iii) the manufacturer's lot number,²⁶
- (iv) the expiration date except upon the inner label of a single-dose container, and

(b) on the outer label

- (i) the address of the manufacturer or distributor,
- (ii) the Canadian Licence number of the manufacturer of the final product,
- (iii) the name and amount of any preservative in the drug, and
- (iv) a statement of the net contents as required by paragraph (f) of section seven of the Act.

Penicillin

C.04.305. Penicillin shall be one or more of the antibiotic substances produced during the growth of fungi such as *Penicillium notatum*, *Penicillium chrysogenum*, and the salts and derivatives of such substances.

Amorphous Penicillin

C.04.306. Amorphous penicillin shall be penicillin that is not crystalline when in solid form.

C.04.307. When amorphous penicillin is dissolved in distilled water and diluted to contain 10,000 International Units of penicillin per millilitre the solution shall be clear, shall not contain any visible particles, and shall have a pH between 5.0 and 7.5.

C.04.308. Amorphous penicillin shall not contain more than 2.5 per cent of moisture as determined by a method acceptable to the Laboratory of Hygiene.

C.04.309. Amorphous penicillin shall contain not less than 500 International Units of penicillin per milligram when tested for potency by a method acceptable to the Laboratory of Hygiene.

C.04.310. No person shall sell amorphous penicillin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) a statement of the potency expressed in International Units per ampoule or sealed vial, and
- (b) a warning that the drug shall be stored at refrigerator temperature.

C.04.311. The expiration date for amorphous penicillin shall be not more than 18 months after the date of manufacture.

²⁴ See C.01.028.

²⁵ See Appendix IV, page 204.

²⁶ The lot number should be preceded by the words "Lot Number", or by "Lot No", "Lot", or "(L)".

Crystalline Penicillin

- C.04.315. Crystalline penicillin shall be a heat-stable crystalline salt of one or more kinds of penicillin, e.g., F, G, K, X.
- C.04.316. No person shall sell crystalline penicillin described as a single kind of crystalline penicillin salt unless it contains more than 85 per cent by weight of the named kind of crystalline penicillin salt.
- C.04.317. No person shall sell a mixture of crystalline penicillin salts unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the quantitative composition by weight of the mixture in terms of the kinds of crystalline penicillin salts present.
- C.04.318. The provisions of C.04.317 do not apply to components of the mixture present in amounts less than 15 per cent by weight of the whole.
- C.04.319. When crystalline penicillin is dissolved in distilled water and diluted to contain 10,000 International Units per millilitre the solution shall be clear, shall not contain any visible particles, and shall have a pH between 5.0 and 7.5.
- C.04.320. Crystalline penicillin shall not contain more than 1.5 per cent of moisture as determined by a method acceptable to the Laboratory of Hygiene.
- C.04.321. Crystalline sodium penicillin G shall contain not less than 1,500 International Units of penicillin per milligram when tested for potency by a method acceptable to the Laboratory of Hygiene.
- C.04.322. Crystalline potassium penicillin G shall contain not less than 1,400 International Units of penicillin per milligram when tested for potency by a method acceptable to the Laboratory of Hygiene.
- C.04.323. No person shall sell crystalline penicillin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the potency of the drug expressed in International Units per ampoule or per sealed vial.
- C.04.324. The expiration date for crystalline penicillin shall be not more than 3 years after the date of manufacture.

Penicillin in Oil and Wax

- C.04.330. Penicillin in oil and wax shall be a suspension of calcium penicillin, crystalline sodium penicillin, or crystalline potassium penicillin in refined peanut or sesame oil in which white wax is dispersed.
- C.04.331. Penicillin in oil and wax shall not contain more than 1 per cent of moisture as determined by a method acceptable to the Laboratory of Hygiene.
- C.04.332. No person shall sell penicillin in oil and wax that is made from penicillin of a potency in International Units per milligram of less than
- (a) 750, where calcium penicillin is used,
 - (b) 1,500, where sodium penicillin is used, or
 - (c) 1,400, where potassium penicillin is used.
- C.04.333. No person shall sell penicillin in oil and wax unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of
- (a) the penicillin salt used, and
 - (b) the potency expressed in International Units per millilitre.
- C.04.334. The expiration date for penicillin in oil and wax shall be not more than 12 months after the date of manufacture except where crystalline penicillin is used when the expiration date shall be not more than 18 months after the date of manufacture.

Procaine Penicillin

- C.04.340.** Procaine penicillin shall be the dry procaine salt of penicillin used as a suspension in water or oil.
- C.04.341.** A saturated aqueous solution of procaine penicillin shall have a pH between 5.0 and 7.5.
- C.04.342.** Procaine penicillin shall not contain more than 4.5 per cent of moisture and procaine penicillin in oil shall not contain more than 1.5 per cent of moisture as determined by a method acceptable to the Laboratory of Hygiene.
- C.04.343.** No person shall sell procaine penicillin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the potency of the drug expressed in International Units per ampoule or per sealed vial.
- C.04.344.** No person shall sell a suspension of procaine penicillin in oil or in water unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the potency of the drug expressed in International Units per millilitre in the case of multiple dose containers or per container in the case of a single dose container.
- C.04.345.** Procaine penicillin shall contain not less than 900 International Units of penicillin per milligram when tested for potency by a method acceptable to the Laboratory of Hygiene.
- C.04.346.** The expiration date for procaine penicillin and suspensions of it in oil shall be not more than 18 months after the date of manufacture.
- C.04.347.** The expiration date of procaine penicillin in aqueous suspension shall be not more than 12 months after the date of manufacture.

Streptomycin

- C.04.350.** Streptomycin shall be an antibiotic substance produced during the growth of *Streptomyces griseus*, and the salts and derivatives of such substance.
- C.04.351.** When streptomycin is dissolved in distilled water and diluted to contain 200,000 micrograms of streptomycin base per millilitre, the solution shall be clear, shall not contain any visible particles, and shall have a pH between 4.5 and 7.0 except that streptomycin solution sold as such shall have a pH between 4.5 and 8.0.
- C.04.352.** Streptomycin shall contain
- (a) not more than 3.0 per cent of moisture,
 - (b) not less than the equivalent of 600 micrograms of streptomycin base per milligram,
 - (c) no histamine or histamine-like substance, and
 - (d) not more than 250 parts per million of contaminating heavy metals, of which not more than 50 parts per million shall be lead
- when tested by methods acceptable to the Laboratory of Hygiene.
- C.04.353.** No person shall sell streptomycin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the potency of the drug expressed in
- (a) grams of streptomycin base per ampoule or sealed vial, and
 - (b) micrograms of streptomycin base per milligram of the finished product.
- C.04.354.** The expiration date of streptomycin shall be not more than 24 months after the date of manufacture except that for streptomycin solution sold as such the expiration date shall be not more than 12 months after the date of manufacture.

C.04.355. Dihydrostreptomycin is a hydrogenated derivative of streptomycin and shall conform to the requirements for streptomycin in C.04.351 to C.04.354 inclusive.

Aureomycin

C.04.360. Aureomycin shall be an antibiotic substance produced during the growth of *Streptomyces aureofaciens*, and the salts and derivatives thereof.

C.04.361. When aureomycin is dissolved in distilled water and diluted to contain 10 milligrams of aureomycin per millilitre, the solution shall be clear, shall not contain any visible particles, and shall have a pH between 2.3 and 3.3.

C.04.362. Aureomycin shall contain

- (a) not more than 2.0 per cent of moisture,
 - (b) not less than the equivalent of 900 micrograms of aureomycin per milligram, and
 - (c) no histamine or histamine-like substance
- when tested by methods acceptable to the Laboratory of Hygiene.

C.04.363. No person shall sell aureomycin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the potency of the drug expressed in

- (a) milligrams of aureomycin per ampoule or sealed vial, and
- (b) micrograms of aureomycin per milligram of the finished product.

C.04.364. The expiration date for aureomycin shall be not more than 24 months after the date of manufacture.

Division 5

Drugs of Part IV of Schedule B to the Act²⁷

C.05.001. Organic compounds of arsenic and analogous preparations include but are not limited to the following:

- (a) Arsphenamine,
- (b) Dichlorophenarsine Hydrochloride,
- (c) Neoarsphenamine,
- (d) Oxophenarsine Hydrochloride, and
- (e) Sulpharsphenamine.

C.05.002. No person shall import or sell any lot of arsphenamine prepared for parenteral use, unless the lot conforms with the requirements of C.06.140 to C.06.147 inclusive.

C.05.003. No person shall import or sell any lot of dichlorophenarsine hydrochloride prepared for parenteral use unless the lot conforms to the requirements of C.06.200 to C.06.208 inclusive.

C.05.004. No person shall import or sell any lot of neoarsphenamine prepared for parenteral use unless the lot conforms to the requirements of C.06.390 to C.06.397 inclusive.

C.05.005. No person shall import or sell any lot of oxophenarsine hydrochloride prepared for parenteral use unless the lot conforms to the requirements of C.06.420 to C.06.428 inclusive.

C.05.006. No person shall import or sell any lot of sulpharsphenamine prepared for parenteral use unless the lot conforms to the requirements of C.06.520 to C.06.527 inclusive.

²⁷ See page 308.

Division 6

Drugs of Part V of Schedule B to the Act

Amaranth	Injection of Ouabain
Amaranth, Concentrated Solution	Injection of Strophanthin
Anhydrous Ephedrine	Lanatoside C
Aqueous Solution of Iodine	Liniment of Camphor
Arsenical Solution	Magnesium Sulphate
Arsphenamine	Neoarsphenamine
Brilliant Blue FCF	Nitrous Oxide
Calamine	Ouabain
Calamine Lotion	Oxophenarsine Hydrochloride
Cassia Oil	Phosphoric Acid
Coconut Oil	Pituitary Extract (Posterior Lobe)
Corn Oil	Ponceau 3R
Cyclopropane	Powdered Digitalis
Dichlorophenarsine Hydrochloride	Sodium Phosphate
Digitalis	Sodium Sulphate
Digitoxin	Spirit of Nitrous Ether
Digoxin	Strong Solution of Iodine
Dilute Phosphoric Acid	Strophanthin
Dried Thyroid	Strophanthus
Epinephrine	Sulpharsphenamine
Epinephrine Hydrochloride Solution	Sulphathiazole Sodium
Gelatin	Tartrazine
Halibut Liver Oil	Tetracaine Hydrochloride
Injection of Digitalis	Tincture of Digitalis
Injection of Digitoxin	Tincture of Strophanthus
Injection of Digoxin	Weak Solution of Iodine
Injection of Lanatoside C	Zinc Sulphate

General

C.06.001. In this DIVISION the abbreviation

- (a) "gm." means gram or grams,
- (b) "mg." means milligram or milligrams,
- (c) "ml." means millilitre or millilitres, and
- (d) "N/1" means a normal, "N/2" a half-normal, and "2N" a twice normal volumetric solution, and other sub-multiples and multiples of normal volumetric solutions in like manner.

C.06.002. Subject to these regulations, in the DIVISION

- (a) solubility and specific gravity shall be determined at 25°C,
- (b) reagents or solutions the names of which are printed in italics refer to reagents or solutions used in tests that are included in the Annex to this DIVISION²⁸ or that are described in Appendix I of the British Pharmacopoeia,
- (c) tests for identity, quantitative tests for arsenic, lead, copper, zinc, fluorine, and sulphur dioxide, limit tests, and the test for cotton-seed oil shall be those employed by the Food and Drug Laboratories, and
- (d) determination of physical and chemical constants, and of ash shall be carried out by methods employed by the Food and Drug Laboratories.

C.06.003 In this DIVISION the abbreviation in brackets that follows the proper name of a drug is the official abbreviation.

AMARANTH*Amaranthum*

C.06.100. **Amaranth** (*Amaranth.*) shall be the trisodium salt 1-(4-sulpho-1-naphthylazo)-2-naphthol-3, 6-disulphonic acid, and shall not contain by weight more than

²⁸ See page ...

- (a) 0.5 per cent of water insoluble matter,
- (b) 0.4 per cent of combined ether extracts,
- (c) 1.0 per cent of mixed oxides,
- (d) 4.0 per cent of subsidiary dyes, calculated as Fast Red E,
- (e) 4 parts per million of arsenic, calculated as arsenic trioxide,
- (f) 10 parts per million of lead, calculated as lead, and
- (g) 100 parts per million of other heavy metals, calculated as the respective metal,

as determined by the methods employed by the Food and Drug Laboratories.

AMARANTH, CONCENTRATED SOLUTION

Liquor Amaranthi Concentratus

C.06.105. Amaranth Concentrated Solution (Liq. Amaranth. Conc.) shall be prepared in accordance with a direct ratio to a 1 litre lot thereof that shall be prepared by dissolving 0.4 gm. of amaranth in water sufficient to produce 1,000 ml.

ANHYDROUS EPHEDRINE

Ephedrina Sicca



Mol. Wt. 165.2

C.06.110. Anhydrous Ephedrine (Ephed. Sicc.) shall be *l-a*-hydroxy-3-methyl-amino-propylbenzene, an alkaloid obtained from *Ephedra sinica* Stapf, *Ephedra equisetina* Bunge, and other species of *Ephedra* or prepared by synthesis, and shall contain not less than 98.5 per cent of anhydrous ephedrine, and

(a) its characters are

- (i) *Description*.—anhydrous ephedrine occurs as a white, unctuous, hygroscopic solid, that is
 - (1) odourless, or that may have acquired a slight unpleasant smell, and
 - (2) gradually decomposed by exposure to light,
- (ii) *Solubility*.—anhydrous ephedrine is soluble in
 - (1) 20 parts of *water*
 - (2) approximately 20 parts of *glycerin*,
 - (3) approximately 25 parts of *olive oil*,
 - (4) approximately 100 parts of *liquid paraffin*, and is readily soluble in *alcohol (95 per cent)*, in *ether*, and in *chloroform*, and
- (iii) *Melting Point*.—the *melting point* of anhydrous ephedrine is between 34°C and 36°C, and the *melting point* of the hydrochloride obtained from the assay is between 217°C and 219°C,

(b) the tests for its identity are

- (i) an aqueous solution of anhydrous ephedrine is strongly alkaline to *solution of litmus*,
- (ii) dissolve 10 mg. of anhydrous ephedrine in 1 ml. of *water* and 0.2 ml. of *dilute hydrochloric acid*, and add 0.1 ml. of *solution of copper sulphate*, followed by 1 ml. of *solution of sodium hydroxide*: the liquid becomes violet; add 1 ml. of *ether*, and shake: the ethereal layer is purple, and the aqueous layer is blue, and
- (iii) dissolve 0.2 gm. of anhydrous ephedrine in 30 ml. of *chloroform*, set aside for 12 hours and allow the chloroform to evaporate spontaneously at room temperature: the crystals of ephedrine hydrochloride that separate have, after drying, a *melting point* between 217°C and 219°C, and yield the *reactions* characteristic of *chlorides*, and

(c) the tests for its purity are

- (i) *Specific rotation*,—the *specific rotation*, α_D^{25} , of the hydrochloride obtained from the assay (determined in 5 per cent w/v solution in water) is between -33° and -35° ,
- (ii) *Chlorides*,—dissolve 0.1 gm. of anhydrous ephedrine in 1 ml. of water and 1 ml. of *dilute nitric acid* and add 0.1 ml. of *solution of silver nitrate*: no turbidity is produced,
- (iii) *Sulphates*,—dissolve 0.1 gm. of anhydrous ephedrine in 1 ml. of water and 1 ml. of *dilute hydrochloric acid* and add 0.5 ml. of *solution of barium chloride*: no turbidity is produced during ten minutes, and
- (iv) *Ash*,—when incinerated, anhydrous ephedrine leaves not more than 0.1 per cent of ash.

C.06.111. Anhydrous ephedrine shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a cool place in a well-closed container protected from light.

USUAL DOSE

<i>Metric</i>	<i>Imperial</i>
15 to 100 mg.	$\frac{3}{4}$ to $1\frac{1}{2}$ grains

AQUEOUS SOLUTION OF IODINE

Liquor Iodi Aquosus

C.06.120. Aqueous Solution of Iodine, Lugol's Solution (Liq. Iod. Aquos.) shall be an aqueous solution of iodine containing

- (a) not less than 4.5 per cent and not more than 5.5 per cent of iodine, and
- (b) not less than 9.0 per cent and not more than 11.0 per cent of potassium iodide,

and may be prepared by dissolving the solid ingredients in one-tenth of the volume of distilled water and diluting to the required volume.

C.06.121. Aqueous solution of iodine shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a well-closed, glass-stoppered bottle.

ARSENICAL SOLUTION

Liquor Arsenicalis

C.06.130. Arsenical Solution, Fowler's Solution (Liq. Arsen.) shall be prepared in accordance with a direct ratio to a 1 litre lot thereof that shall be prepared from

- (a) arsenic trioxide, in fine powder 10 gm.
- (b) glycerin 100 ml.
- (c) amaranth concentrated solution 3 ml.
- (d) chloroform water sufficient to produce 1,000 ml.

by heating the arsenic trioxide with the glycerin at 100°C until a clear solution is obtained, cooling, adding the chloroform water and amaranth concentrated solution, and filtering, and shall contain not less than 0.95 per cent and not more than 1.05 per cent w/v of arsenic trioxide.

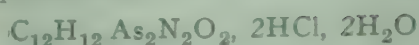
C.06.131. Arsenical solution shall be assayed by the method employed by the Food and Drug Laboratories.

USUAL DOSE

<i>Metric</i>	<i>Imperial</i>
0.12 to 0.5 ml.	2 to 8 minims.

ARSPHENAMINE

Arsphenamina



Mol. Wt. 475.0

C.06.140. Arsphenamine (Arsphen.) shall be 3,3'-diamino-4,4'-dihydroxyarseno-benzene dihydrochloride and shall contain not less than 30 per cent and not more than 32 per cent of arsenic, when determined by the method employed by the Food and Drug Laboratories, and

(a) its characters are

- (i) *Description*,—arsphenamine occurs as a light yellow powder that is
 - (1) odourless, or has a slight odour,
 - (2) hygroscopic, and
 - (3) oxidized by exposure to air, in the dry state, becoming darker and more toxic, and
- (ii) *Solubility*,—arsphenamine is soluble in *water*, in *alcohol* (95 per cent), and in *glycerin*, but only slightly soluble in *chloroform* and in *ether*,

(b) the tests for its identity are

- (i) to a solution of arsphenamine (1:100) add *dilute hydrochloric acid*: no change is produced even after heating (difference from neoarsphenamine),
- (ii) to a solution of arsphenamine (1:100) add an excess of *hydrochloric acid*: a precipitate is formed,
- (iii) to a solution of arsphenamine (1:100) add *dilute sulphuric acid* or a 10 per cent w/v solution of an alkali sulphate: a precipitate is produced immediately,
- (iv) to 5 ml. of a solution of arsphenamine (1:100) add 1 ml. of *solution of silver nitrate*: a red colour is produced, but no precipitate is formed even after standing at room temperature for 10 minutes; add 5 ml. of *nitric acid* and heat: a white precipitate is formed which dissolves in an excess of *dilute solution of ammonia*,
- (v) to 5 ml. of a solution of arsphenamine (1:1,000) add 3 drops of freshly prepared *test-solution of ferric chloride*: a brownish violet colour is produced, which rapidly changes to deep red, and
- (vi) to the solution resulting from the assay for arsenic add hydrogen sulphide: a yellow precipitate is formed, which is soluble in *solution of ammonium carbonate*, and

(c) the tests for its purity are

- (i) *Total acid*,—dissolve 0.1 gm. of arsphenamine, accurately weighed, in 10 ml. of *water* in a small flask, add 5 drops of *solution of phenolphthalein* and titrate with *N/10 sodium hydroxide*, watching the supernatant liquid for the end point: not less than 3.9 ml. and not more than 4.3 ml. of *N/10 sodium hydroxide* are required,
- (ii) *Loss on drying*,—when dried for 24 hours in a vacuum desiccator over fresh *phosphorus pentoxide* arsphenamine loses not more than 8 per cent by weight,
- (iii) *Solubility*,—add 1.0 gm. of arsphenamine progressively to 20 ml. of *water* in a small flask and agitate the mixture gently: complete solution results in not more than 15 minutes,
- (iv) *Thermostability*,—when tested for thermostability by the method employed by the Food and Drug Laboratories no marked change in colour, consistency, or solubility is found, and
- (v) *Toxicity*,—the toxicity is not greater than that of the International Reference Standard Arsphenamine as determined by the method employed by the Food and Drug Laboratories.

- C.06.141.** Arsphenamine shall be stored in a cool place, preferably not above 20°C, in sealed containers of colourless glass, from which the air has been excluded either by the production of a vacuum or by displacement with a non-oxidizing gas.
- C.06.142.** Every manufacturer of arsphenamine shall submit to the Chief Dominion Analyst a sample of each lot of arsphenamine manufactured, which sample shall consist of not less than 5 sealed containers of the product as completed for issue, taken by random sampling from the whole lot, and, in no case, shall consist of less than 7.2 gm. of the product, and each sample shall be accompanied by protocols of its tests, which protocols shall include a report of
- (a) arsenic content,
 - (b) moisture, and
 - (c) toxicity.
- C.06.143.** Every manufacturer of arsphenamine shall submit, whenever requested to do so by the Chief Dominion Analyst, clinical evidence of the safety of any lot of arsphenamine manufactured by him.
- C.06.144.** No manufacturer shall sell any arsphenamine from a lot that has not been released by the Chief Dominion Analyst.
- C.06.145.** A manufacturer of arsphenamine shall keep records in form satisfactory to the Minister, of each lot of arsphenamine respecting its
- (a) manufacture,
 - (b) testing,
 - (c) disposition, and
 - (d) distribution,
- and in each case the date thereof.
- C.06.146.** A manufacturer of arsphenamine shall withdraw from sale and shall recall any lot of arsphenamine which in the opinion of the Chief Dominion Analyst is deficient in any respect.
- C.06.147.** No person shall sell any arsphenamine unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,
- (a) the quantity in grams of arsphenamine per ampoule,
 - (b) the lot number,
 - (c) the expiration date, that shall be not later than 5 years after the date of release by the Chief Dominion Analyst,
 - (d) the statement "Prior to injection the solution must be alkalinized with 0.85 ml. of normal sodium hydroxide for each 0.1 gm. of arsphenamine", and
 - (e) where applicable, a statement that the container is a multiple-dose container.

BRILLIANT BLUE FCF

Caeruleum Nitens

- C.06.150.** Brilliant Blue FCF (Caerul. Nit.) shall be the disodium salt of 4-{ [4-(N-ethyl-*p*-sulphobenzylamino)-phenyl]-(2-sulphoniumphenyl)-methylene} - [1-N-ethyl-N-*p*-sulphobenzyl]- $\Delta^{2,5}$ -cyclohexadienimine], that shall not contain by weight more than
- (a) 0.5 per cent of water insoluble matter,
 - (b) 0.4 per cent of combined ether extracts,
 - (c) 1.0 per cent of mixed oxides,
 - (d) 5.0 per cent of subsidiary dyes,
 - (e) 4 parts per million of arsenic, calculated as arsenic trioxide,
 - (f) 10 parts per million of lead, calculated as lead, and

- (g) 100 parts per million of other heavy metals, calculated as the respective metal,
as determined by the methods employed by the Food and Drug Laboratories.

CALAMINE

Calamina

C.06.152. Calamine (Calani.) shall be zinc oxide admixed with a small amount of ferric oxide and shall contain, after ignition, not less than 98 per cent of ZnO, and

(a) its characters are

(i) *Description*.—Calamine is a pink, odourless, tasteless and impalpable powder that will pass completely through a 100 mesh sieve (designated 140 Microns in the Canadian Government Purchasing Standards Specification 8-GP-1), and

(ii) *Solubility*.—Calamine is

(1) insoluble in *water*, but

(2) almost completely soluble in mineral acids,

(b) the tests for its identity are

(i) treat 1 gm. of calamine with 10 ml. of *dilute hydrochloric acid* and filter; the filtrate yields the *reactions* characteristic of zinc, and

(ii) treat 1 gm. of calamine with 10 ml. of *dilute hydrochloric acid*, filter, and add *solution of ammonium thiocyanate* to the filtrate; a reddish colour is produced, and

(c) the tests for its purity are

(i) *Acid-insoluble substances*.—dissolve 2 gm. of calamine in 50 ml. of *dilute hydrochloric acid*; if an insoluble residue remains, collect it on a tared filter, wash it with *water*, dry at 100°C for 2 hours, cool, and weigh; the weight of the residue is not greater than 40 mg.,

(ii) *Alkaline substances*.—digest 1 gm. of calamine with 20 ml. of *water* on a steam-bath for 15 minutes, filter, and add 4 drops of *solution of phenolphthalein (0.5 per cent)*; if a red colour is produced, titrate with *N/10 sulphuric acid*; not more than 0.2 ml. of *N/10 sulphuric acid* is required to discharge the colour,

(iii) *Calcium*.—dissolve 1 gm. of calamine in 25 ml. of *dilute hydrochloric acid* and filter; add *dilute solution of ammonia* to the filtrate until the precipitate first formed is redissolved; then add 5 ml. more of *dilute solution of ammonia*; to 10 ml. of this solution add 2 ml. of *solution of ammonium oxalate*; not more than a slight turbidity is produced,

(iv) *Calcium or magnesium*.—dissolve 1 gm. of calamine in 25 ml. of *dilute hydrochloric acid* and filter; add *dilute solution of ammonia* to the filtrate until the precipitate first formed is redissolved; then add 5 ml. more of *dilute solution of ammonia*; add 2 ml. of *solution of sodium phosphate*; not more than a slight turbidity is produced,

(v) *Lead*.—to 1 gm. of calamine add 15 ml. of *water* and stir well; add 3 ml. of *glacial acetic acid*, warm on a water-bath until dissolved, filter, and add 5 drops of *solution of potassium chromate*; no turbidity is produced,

(vi) *Arsenic*.—the *arsenic limit* in calamine is 5 parts per million, and

(vii) *Loss on ignition*.—when ignited, calamine loses not more than 2 per cent of its weight.

C.06.153. Calamine shall be

(a) assayed by the method employed by the Food and Drug Laboratories, and

(b) stored in a well-closed container.

CALAMINE LOTION

Lotio Calaminae

C.06.155. Calamine Lotion (Lot. Calam.) shall be prepared in accordance with a direct ratio to a 1 litre lot thereof that shall be prepared from

- | | |
|--|-----------|
| (a) calamine, well levigated | 80 gm. |
| (b) zinc oxide | 80 gm. |
| (c) glycerin | 20 ml. |
| (d) bentonite magma | 400 ml. |
| (e) calcium hydroxide solution, to produce | 1,000 ml. |

by triturating the calamine and the zinc oxide with the glycerin, gradually adding the bentonite magma diluted with an equal volume of calcium hydroxide solution, and diluting the mixture to 1 litre with calcium hydroxide solution, and shall contain not less than 15 per cent and not more than 18 per cent of zinc oxide.

C.06.156. Calamine lotion shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a well-closed container.

CASSIA OIL

Oleum Cassiae

C.06.160. Cassia Oil (Ol. Cass.) shall be the oil distilled from the leaves and twigs of *Cinnamomum cassia* L., and shall contain not less than 80 per cent by weight of cinnamic aldehyde, and

(a) its characters are

(i) *Description*,—cassia oil is a yellow liquid when freshly distilled, gradually becoming brown with age, and having an odour and taste resembling cinnamon but somewhat less pleasant, and

(ii) *Solubility*,—cassia oil is soluble in

- (1) 2 volumes of *alcohol (70 per cent)*, and
- (2) 1 volume of *glacial acetic acid*, and

(b) the tests for its identity and purity are

(i) *Reaction*,—an alcoholic solution of cassia oil is slightly acid to moistened *litmus paper*,

(ii) *Constants*,—

- (1) its *specific gravity* is between 1.045 and 1.063,
- (2) its *optical rotation* is between -1° and $+1^{\circ}$,
- (3) its *refractive index* (20°C) is between 1.6020 and 1.6135,

(iii) dissolve 1 drop of cassia oil in 5 ml. of *alcohol (90 per cent)* and add one drop of *test-solution of ferric chloride*: a blue or deep brown colour is produced,

(iv) *Synthetic products*,—rinse the interior surface of a well-cleaned 1,000 ml. beaker with successive portions of *water* and pass the rinsings through a small filter until the last filtered washing fails to give any reaction for *chlorides*; ignite a few drops of cassia oil on a porcelain dish, and immediately invert the moist beaker over it; rinse the sides of the beaker with 20 ml. of *water*, pass the washings through the washed filter, add 1 drop of *nitric acid* and 1 drop of *solution of silver nitrate*: no turbidity is produced, and

(v) *Colophony*,—mix 2 ml. of cassia oil with 4 ml. of *light petroleum (boiling point 50° to 60°)* and shake with 10 ml. of *dilute solution of copper acetate*: the light petroleum layer is not coloured green.

C.06.161. Cassia oil shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a cool place in a well-closed container protected from light.

USUAL DOSE

Metric
0.06 to 0.2 ml.

Imperial
1 to 3 minims.

COCONUT OIL

Oleum Cocois

C.06.170. Coconut Oil (Ol. Cocois) shall be the fat expressed from the kernels of the fruit of the coconut tree, *Cocos nucifera* L. and *C. butyracea* L., and

- (a) its characters are
 - (i) *Description*,—coconut oil occurs as a solid, pearl-white fat that
 - (1) breaks below 15°C with a characteristic fracture,
 - (2) has an odour reminiscent of coconut and a bland and agreeable taste, and
 - (3) readily becomes rancid, and
 - (ii) *Solubility*,—coconut oil is
 - (1) soluble in 2 parts of *alcohol* (95 per cent) at 60°C and less soluble at ordinary temperatures, and
 - (2) readily soluble in *ether*, *chloroform*, and *carbon disulphide*,
- (b) the tests for its purity are
 - Constants*,—
 - (i) its *melting point* is between 23°C and 26°C,
 - (ii) its *refractive index* at a temperature of 40°C is between 1.4485 and 1.4495,
 - (iii) its *acid value* is not more than 6,
 - (iv) its *saponification value* is between 225 and 260, and
 - (v) its *iodine value* is between 7.9 and 9.5, and
- (c) it shall be stored in a cool place in a well-closed container.

CORN OIL

Oleum Maydis

C.06.180. Corn Oil, Maize Oil (Ol. Mayd.) shall be the fixed oil expressed from the germ of the seed of *Zea mays* L., and

- (a) its characters are
 - (i) *Description*,—corn oil is
 - (1) a clear, light yellow liquid,
 - (2) odourless or nearly odourless, and
 - (3) bland in taste,
 - (ii) *Solubility*,—corn oil is slightly soluble in *alcohol* (95 per cent) and is miscible with
 - (1) *ether*,
 - (2) *chloroform*,
 - (3) *benzene*, and
 - (4) *light petroleum* (boiling point 50° to 60°), and
- (b) the tests for its purity are
 - (i) *Constants*,—
 - (1) its *specific gravity* is between 0.918 and 0.924,
 - (2) its *refractive index* at a temperature of 20°C is between 1.4732 and 1.4753,

- (3) its *acid value* is less than 1.2,
- (4) its *saponification value* is between 188 and 193, and
- (5) its *iodine value* is between 111 and 130, and
- (ii) corn oil shall comply with the *test for the absence of cotton-seed oil*.

USUAL DOSE

Metric
15 to 30 ml.

Imperial
 $\frac{1}{2}$ to 1 fluid ounces

CYCLOPROPANE

Cyclopropanum

 $(\text{CH}_2)_3$

Mol. Wt. 42.08

C.06.190. Cyclopropane (Cycloprop.) shall contain not less than 97 per cent v/v of cyclopropane, and

(a) its characters are

- (i) *Description*,—cyclopropane occurs as a gas at atmospheric pressure, that is
 - (1) inflammable, and
 - (2) explosive in mixtures with air or oxygen at certain concentrations,
- (ii) *Density*,—one litre of cyclopropane at normal temperature and pressure weighs 1.879 gm., and
- (iii) *Solubility*,—cyclopropane is miscible with
 - (1) *alcohol* (90 per cent),
 - (2) *chloroform*,
 - (3) *ether*, and
 one volume dissolves in approximately 2.7 volumes of *water* at 15°C, and

(b) the tests for its identity and purity are

- (i) *Boiling point*,—cyclopropane boils at -34.5°C at 760 millimetres pressure,
- (ii) *Foreign odours*,—transfer 10 ml. of liquid cyclopropane to a cylinder cooled in a bath at a temperature not higher than -40°C , pour in successive small quantities on to a clean filter paper and allow it to evaporate: no foreign odour is detectable at any stage,
- (iii) *Alcohol and water*,—pass a volume of the gas equivalent to 1,000 ml., measured at normal temperature and pressure, through a weighed tube containing *potassium hydroxide* in small pieces: the increase in weight of the tube does not exceed 9.4 mg., equivalent to 0.5 per cent w/w of the cyclopropane used,
- (iv) *Unsaturated substances*,—pass the gas issuing from the tube in the immediately preceding test through a suitable spiral scrubber, containing 20 ml. of *solution of iodine monochloride* and followed by a guard tube containing *solution of potassium iodide*; determine the amount of halogen in the scrubber and guard tube by titration with *N/10 sodium thiosulphate*; repeat the operation using air: the difference between the two titrations does not exceed 17.9 ml., the equivalent of 2.0 per cent w/w of unsaturated substances calculated as propylene, and
- (v) *Bromine-containing substances*,—pass a volume of the gas equivalent to 1,000 ml., measured at normal temperature and pressure, in admixture with the necessary amount of air, through a heated quartz tube containing pieces of platinized quartz; absorb the products of combustion in 100 ml. of a 3 per cent solution of *sodium peroxide* contained in equal amounts in two absorption vessels in series; mix the solution, boil for five minutes, add 10 ml. of *solution of potassium permanganate*, and boil for one minute; add,

if necessary, solution of potassium permanganate drop by drop until a distinct purple tinge persists; add 6 ml. of solution of hydrogen peroxide drop by drop, boil for one minute, filter and wash the filter paper with water; add one drop of solution of methyl red to the solution, that should be colourless, and make slightly acid with dilute hydrochloric acid; boil to expel carbon dioxide and neutralize with *N/1* sodium hydroxide; add 1 gm. of sodium phosphate, followed by 2 ml. of solution of sodium hypochlorite, and boil for one minute; add 2 ml. of a 20 per cent solution of sodium formate, boil for one minute, cool, add 10 ml. of dilute sulphuric acid, 10 ml. of solution of potassium iodide, and 1 drop of a 10 per cent solution of ammonium molybdate; allow to stand for one minute and titrate with *N/50* sodium thiosulphate; repeat the operations using air: the difference between the two titrations does not exceed 2.2 ml., equivalent to 0.05 per cent w/w of bromine-containing substances calculated as propyl bromide.

C.06.191. Cyclopropane shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored under compression in metal cylinders.

DICHLOROPHENARSINE HYDROCHLORIDE

Dichlorophenarsinae Hydrochloridum

$C_6H_6AsCl_2NO$, HCl

Mol. Wt. 290.4

C.06.200. Dichlorophenarsine Hydrochloride (Dichlorophenarsin. Hydrochlor.) shall be 3-amino-4-hydroxyphenyl-dichlorarsine hydrochloride, and, when dried in a vacuum desiccator over phosphorus pentoxide for 24 hours, shall contain not less than 25.3 per cent and not more than 27 per cent of total arsenic, trivalent arsenic equivalent to not less than 97 per cent of the total arsenic, and a chlorine content determined as chloride of not less than 35.5 per cent and not more than 37 per cent, as determined by the methods employed by the Food and Drug Laboratories, and

(a) its characters are

- (i) *Description*,—dichlorophenarsine hydrochloride occurs as a white, odourless powder, and
- (ii) *Solubility*,—dichlorophenarsine hydrochloride is soluble in
 - (1) water,
 - (2) aqueous solutions of alkali hydroxides and carbonates, and
 - (3) dilute mineral acids,

(b) the tests for its identity are

- (i) to approximately 50 mg. of dichlorophenarsine hydrochloride dissolved in 3 ml. of water add 0.25 gm. of sodium hydrosulphite: a salmon-coloured precipitate is formed which changes rapidly to yellow,
- (ii) to 10 mg. of dichlorophenarsine hydrochloride dissolved in 1 ml. of water, add 1 ml. of hydrochloric acid and 1 drop of hypophosphorous acid: a nearly white to yellow precipitate is formed, and
- (iii) to 5 ml. of acetone contained in a test tube add approximately 50 mg. of dichlorophenarsine hydrochloride; insert a loose plug of cotton and boil gently: the escaping vapours will turn blue litmus paper red (difference from oxophenarsine hydrochloride), and

(c) the tests for its purity are

- (i) *Loss on drying*,—when dried in a vacuum desiccator over fresh phosphorus pentoxide for 24 hours, dichlorophenarsine hydrochloride or mixtures containing dichlorophenarsine hydrochloride lose not more than 0.5 per cent by weight,

- (ii) *Solubility*,—dichlorophenarsine hydrochloride, both before and after being subjected to the thermostability test, is completely soluble in *water* as a 1 per cent solution, when tested by the method employed by the Food and Drug Laboratories,
- (iii) *Thermostability*,—when tested for thermostability by the method employed by the Food and Drug Laboratories, no marked change in colour, consistency, or solubility is found, and
- (iv) *Toxicity*,—the toxicity shall be equivalent to that of the Canadian Standard Dichlorophenarsine Hydrochloride as determined by the method employed by the Food and Drug Laboratories.

C.06.201. Dichlorophenarsine hydrochloride shall be stored in a cool place, preferably not above 20°C, in hermetically sealed containers of colourless glass that have been sterilized prior to filling, and from which the air has been excluded either by the production of a vacuum or by displacement with a non-oxidizing gas.

C.06.202. Dichlorophenarsine hydrochloride in mixture form with buffering agents and substances for rendering its solution physiologically compatible with human blood shall contain total arsenic equivalent to not less than 92.5 per cent and not more than 107.5 per cent of the labelled amount of dichlorophenarsine hydrochloride; such mixtures shall meet the tests for identity and completeness of solubility prescribed by C.06.200, and should be stored as directed in C.06.201.

C.06.203. Every manufacturer of dichlorophenarsine hydrochloride shall submit to the Chief Dominion Analyst a sample of each lot of dichlorophenarsine hydrochloride manufactured, which sample shall consist of

- (a) not less than 10 sealed ampoules of the product as completed for issue, taken by random sampling from the whole lot, and shall, in no case, consist of less than 0.6 gm. of the product, and
- (b) 2 ampoules of 1 gm. each of pure dichlorophenarsine hydrochloride, and each sample shall be accompanied by protocols of its tests, which protocols shall include a report of
- (c) arsenic content, total and trivalent,
- (d) chlorine content,
- (e) moisture, and
- (f) toxicity.

C.06.204. Every manufacturer of dichlorophenarsine hydrochloride shall submit, whenever requested to do so by the Chief Dominion Analyst, clinical evidence of the safety of any lot of dichlorophenarsine hydrochloride manufactured by him.

C.06.205. No manufacturer shall sell any dichlorophenarsine hydrochloride from a lot that has not been released by the Chief Dominion Analyst.

C.06.206. A manufacturer of dichlorophenarsine hydrochloride shall keep records in form satisfactory to the Minister, of each lot of dichlorophenarsine hydrochloride respecting its

- (a) manufacture,
- (b) testing,
- (c) disposition, and
- (d) distribution,

and in each case the date thereof.

C.06.207. A manufacturer of dichlorophenarsine hydrochloride shall withdraw from sale and shall recall any lot of dichlorophenarsine hydrochloride that in the opinion of the Chief Dominion Analyst is deficient in any respect.

C.06.208. No person shall sell any dichlorophenarsine hydrochloride unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the quantity in grams of dichlorophenarsine hydrochloride per ampoule;
- (b) the lot number;
- (c) the expiration date that shall be not more than 3 years after the date of release by the Chief Dominion Analyst;
- (d) the names of any admixed substances, except on the inner label of single-dose containers; and
- (e) where applicable a statement that the container is a multiple-dose container.

DIGITALIS

Digitalis

C.06.210. Digitalis, Digitalis Leaf, Digitalis Leaves (Digit) shall be the leaf of *Digitalis purpurea* L., rapidly dried at a temperature between 55°C and 60°C as soon as possible after collection, and its potency shall not be less than 10 International Units per gram, and

(a) its characters are

- (i) *Macroscopic*.—digitalis consists of more or less crumpled or broken leaves, usually dark green on the upper surface and greyish on the under surface owing to pubescence, and with the larger veins frequently purplish; as a rule they vary from 10 to 30 centimetres in length and from 4 to 10 centimetres in width; in shape, they vary from ovate-lanceolate to broadly ovate, and petiolate; they have an irregularly crenate or serrate margin, decurrent at the base and sub-acute at the apex; the upper surface is hairy, the under surface densely pubescent and the veinlets reticulate;
- (ii) *Microscopic*.—the upper epidermis has slightly wavy vertical walls, with few or no stomata; the under epidermis is similar, but with numerous stomata and many hairs; over irregular areas, especially near the veins, the hairs are frequently not attached to the cell structure within; the hairs are simple, usually 3 to 5 cells in length, bluntly pointed and finely wavy; the glandular hairs consist usually of a unicellular pedicel bearing a one-celled or two-celled head; the chlorenchyma consists of a single layer of palisade cells and several layers of spongy parenchyma; there are numerous fibro-vascular bundles in the larger veins and in the petiole, separated by medullary rays one cell wide; the tracheae are annular, reticulate, or spiral; calcium oxalate and sclerenchymatous elements are absent, and
- (iii) digitalis has a light odour when dry, but peculiar and characteristic when moistened; and a decidedly bitter taste, and

(b) the tests for its purity are

- (i) *Loss on drying*.—when dried at 100°C, digitalis loses not more than 6 per cent by weight,
- (ii) *Acid-insoluble ash*.—the acid-insoluble ash of digitalis does not exceed 5 per cent by weight, and
- (iii) *Foreign organic matter*.—digitalis does not contain more than 2 per cent of foreign organic matter, including stems, browned leaves, or flowers.

C.06.211. Digitalis shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored to prevent access of moisture in a well-closed container that includes where necessary a device containing a non-dehydrating, inert, dehydrating substance to control the humidity.

Preparations: Powdered Digitalis
Tincture of Digitalis

NOTE: When Digitalis, Digitalis Folia, Digitalis Folium, or Pulvis Digitalis is prescribed, Powdered Digitalis shall be dispensed.

DIGITOXIN

Digitoxinum

C.06.220. Digitoxin (Digitoxin.) shall be either pure digitoxin ($C_{41}H_{64}O_3$) or a mixture of cardioactive glycosides that consist chiefly of digitoxin obtained from *Digitalis purpurea* L., and shall correspond in potency to the Canadian Standard Digitoxin, and

(a) its characters are

- (i) *Description*,—digitoxin is a white or pale buff, odourless, micro-crystalline powder, and
- (ii) *Solubility*,—digitoxin is insoluble in *water* and very slightly soluble in *ether*, and 1 gm. dissolves in
 - (1) approximately 10 ml. of *chloroform*, and
 - (2) approximately 60 ml. of *alcohol (95 per cent)*,

(b) the test for its identity is

- (i) add 0.5 ml. of *test-solution of ferric chloride* to 100 ml. of *glacial acetic acid*, and mix well; dissolve about 1 mg. of digitoxin in 2 ml. of this solution and underlay it with 2 ml. of *sulphuric acid*: a brown colour is produced at the zone of contact of the two liquids which gradually changes to light green, then to blue, and finally the entire acetic acid layer acquires a blue colour, and

(c) the tests for its purity are

- (i) *Completeness of solution in chloroform*,—frequently agitate 100 mg. of digitoxin with 5 ml. of *chloroform* in a tightly stoppered cylinder: the digitoxin dissolves completely within 24 hours with or without opalescence,
- (ii) *Digitonin*,—dissolve 10 mg. of digitoxin in 2 ml. of *alcohol (95 per cent)* in a test tube the inner wall of which is free from scratches, add 2 ml. of *solution of cholesterol*, and mix by gentle agitation: no precipitate is formed within 10 minutes,
- (iii) *Loss on drying*,—when dried at 100°C for 2 hours digitoxin loses not more than 1 per cent by weight, and
- (iv) *Ash*,—when incinerated, digitoxin leaves not more than 0.05 per cent of ash.

C.06.221. Digitoxin shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in well-closed containers.

C.06.222. No person shall sell any digitoxin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously

- (a) the lot number, and
- (b) the number of milligrams of digitoxin and an equivalent statement of the strength in terms by weight of digitalis leaf per tablet or other individual dosage or dispensing form.

USUAL DOSE

Metric
0.1 to 0.2 mg.

Imperial
1/600 to 1/300 grain

DIGOXIN

Digoxinum

 $C_{41}H_{64}O_{14}$

Mol. Wt. 780.9

C.06.230. Digoxin (Digoxin.) shall be a glycoside obtained from the leaves of *Digitals lanata* Ehrh., and shall correspond in potency to Canadian Standard Digoxin, and

(a) its characters are

- (i) *Description*.—digoxin occurs as colourless to white crystals or as a white crystalline powder that is odourless, and melts indistinctly, and with decomposition, at approximately 265°C ,
- (ii) *Solubility*.—digoxin is insoluble in
 - (1) *water*,
 - (2) *chloroform*,
 - (3) *ether*, but
 freely soluble in *pyridine*, and soluble in *alcohol* (50 per cent), and
- (iii) *Specific rotation*.—the *specific rotation*, α_{D}^{25} , of digoxin, determined in a solution in *anhydrous pyridine* containing 1 gm. of digoxin in 10 ml. of solution, using a mercury light at 546 m μ and a 200-millimetre tube, is between 13.4° and 13.8° ,

(b) the test for its identity is

- (i) add 0.5 ml. of *test-solution of ferric chloride* to 100 ml. of *glacial acetic acid* and mix well; dissolve about 1 mg. of digoxin in 2 ml. of this solution and underlay with 1 ml. of *sulphuric acid*: a brown ring, free from red, is produced at the junction of the two liquids; after some time the acetic acid layer acquires a blue colour, and

(c) the tests for its purity are

- (i) *Loss on drying*.—when dried at 60°C in vacuum over *sulphuric acid*, digoxin loses not more than 0.5 per cent by weight, and
- (ii) *Ash*.—when incinerated, digoxin leaves not more than 0.05 per cent of ash.

C.06.231. Digoxin shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in tightly-closed containers, resistant to light.

C.06.232. No person shall sell any digoxin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the lot number, and
- (b) the number of milligrams of digoxin per tablet or other individual dosage or dispensing form.

USUAL DOSE

Metric
0.25 mg.

Imperial
1/260 grain

DILUTE PHOSPHORIC ACID

Acidum Phosphoricum Dilutum

C.06.240. Dilute Phosphoric Acid (Acid. Phosph. Dil.) shall be prepared by mixing the following ingredients in accordance with a direct ratio to a 1 kilogram lot that shall be prepared from

- (a) Phosphoric Acid 116 gm. (68 ml.)
- (b) Distilled Water 884 gm. (884 ml.),

and shall contain not less than 9.5 per cent and not more than 10.5 per cent w/w of phosphoric acid.

C.06.241. The tests for the purity of dilute phosphoric acid are

- (i) *Specific Gravity*,—its specific gravity is between 1·050 and 1·053, and
- (ii) dilute phosphoric acid complies with the tests for purity described in C.06.430, when eight times the quantity is taken for each test.

C.06.242. Dilute phosphoric acid shall be assayed by the method employed by the Food and Drug Laboratories.

USUAL DOSE

Metric
0·3 to 4 ml.

Imperial
5 to 60 minims

DRIED THYROID

Thyroideum Siccum

C.06.250. Dried Thyroid (Thyroid Sicc.) shall be the cleaned, dried, powdered thyroid glands of domestic animals used for food, and shall contain not less than 0·27 per cent, and not more than 0·33 per cent of iodine and no added iodine in either inorganic or organic form, and

(a) its characters are

(i) *Description*,—

- (1) *General*,—dried thyroid occurs as a cream-coloured, amorphous powder; the odour and taste are faint and meat-like, and
- (2) *Microscopical*,—when suitably mounted and examined under the microscope, dried thyroid shows the following: numerous smooth to striated hyaline fragments of colloids, of angular to irregular shape, that are colourless to pale yellow in water mounts, brown in *Mallory's stain* and pink in *solution of eosin*, some of these fragments containing granules, minute vacuoles, crystalloidal bodies and cells; numerous irregular fragments of follicular epithelium staining brown with *Mallory's stain*, the individual cells more or less polygonal to rounded-angular or irregularly cuboidal, often with prominent nuclei staining dark blue, their cytoplasm purplish with *Delafield's solution of haematoxylin*; slender glistening segments of capillaries of closely undulate outline; numerous slender segments of neuraxons; numerous aggregates of particles of intercellular substance and slender, mostly straight connective tissue fibres staining blue to greenish blue with a mixture of *Mallory's stain* and *solution of phosphotungstic acid*, the bundles of fibres often appearing reddish in *Mallory's stain*; few glistening fragments of blood vessels with serrated or crenated ends as viewed in water mounts, and

(b) the tests for its purity are

- (i) *Inorganic iodine*,—add to 1 gm. of dried thyroid 10 ml. of a saturated solution of *zinc sulphate* in *water*, shake, allow to stand 5 minutes, and filter through a fritted glass filter; add to 5 ml. of the filtrate 0·5 ml. of *mucilage of starch* and 4 drops each of a 10 per cent w/v solution of *sodium nitrate* in *water* and *dilute sulphuric acid*, shaking after each addition: no blue colour is produced, and
- (ii) *Moisture*,—dried thyroid loses not more than 6 per cent by weight of moisture when tested by the method employed by the Food and Drug Laboratories.

C.06.251. Dried thyroid shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a cool place and in a well-closed container.

USUAL DOSE

Metric
0.3 to 0.2 gm.

Imperial
½ to 3 grains

EPINEPHRINE

Epinephrina

$C_9H_{13}NO_3$

Mol. Wt. 183.2

C.06.260. **Epinephrine** (Epineph. shall be *l*- α -3,4-dihydroxyphenyl- β -methyl aminoethanol, and

(a) its characters are

- (i) *Description*,—epinephrine occurs as a white or light brownish, microcrystalline, odourless powder, gradually darkening on exposure to air or light and its solutions are slightly alkaline to *litmus* and turn brown on exposure to light,

(ii) *Solubility*,—epinephrine is

(1) very slightly soluble in

(a) *water*, and

(b) *alcohol* (95 per cent), and

(2) insoluble in

(a) *ether*,

(b) *chloroform*, and

(c) fixed and volatile oils, and

(iii) *Specific rotation*,—the *specific rotation*, α_D^{25} , of epinephrine is between -50° and -53.5° and is determined using a solution obtained by dissolving 1 gm. of epinephrine, previously dried over *sulphuric acid* to constant weight, in sufficient *N/2 hydrochloric acid* to make 20 ml. at $25^\circ C$, and using a 200-millimetre tube,

(b) the tests for its identity are

(i) add *test-solution of ferric chloride* to a slightly acid solution of epinephrine (1:1,000): an emerald green colour is produced which changes to cherry red and finally to brown on standing, and

(ii) other oxidizing agents produce red, pink, or violet colours which change to brown, and

(c) the tests for its purity are

(i) *Plant alkaloids*,—an acid solution of epinephrine (1:1,000) is not visibly affected by solutions of *trinitrophenol*, *tannic acid*, *phosphomolybdic acid*, *platinic chloride*, or solution of *potassio-mercuric iodide*,

(ii) *Loss on drying*,—when dried in a vacuum over *sulphuric acid* for 18 hours, epinephrine loses not more than 2 per cent by weight, and

(iii) *Ash*,—when incinerated, epinephrine leaves not more than 0.05 per cent of ash.

C.06.261. Epinephrine shall be stored in tightly-closed containers resistant to light.

C.02.262. No person shall sell any epinephrine unless both the inner and the outer labels of every package thereof carry the lot number legibly and conspicuously.

EPINEPHRINE HYDROCHLORIDE SOLUTION

Liquor Epinephrinae Hydrochloridum

C.06.270. Epinephrine Hydrochloride Solution (Liq. Epineph. Hydroch.) shall be a solution of epinephrine in distilled water acidulated with hydrochloric acid and its stated concentration shall correspond in potency to that of a solution of Canadian Standard Epinephrine of the same stated concentration, and

(a) its characters are

(i) *Description*,—epinephrine hydrochloride solution is a nearly colourless, slightly acid liquid, gradually turning dark on exposure to air or light, but if the solution is brown in colour, or contains a precipitate, it shall not be used, and

(b) the test for its identity is

(i) add 1 drop of *test-solution of ferric chloride* to 10 ml. of epinephrine hydrochloride solution: an emerald green colour is produced, which soon changes to cherry red and finally to brown.

C.06.271. Epinephrine hydrochloride solution shall be

(a) assayed by the method employed by the Food and Drug Laboratories, and

(b) stored in a cool place in well-filled, well-closed containers protected from light.

C.06.272. No person shall sell any epinephrine hydrochloride solution unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

(a) the concentration (for example 1:100 or 1:1,000),

(b) the lot number, and

(c) except on the inner label of single-dose containers, the expiration date.

C.06.273. The expiration date for epinephrine hydrochloride solution shall be not later than 18 months after assay.

GELATIN

Gelatinum

C.06.280. Gelatin (Gelat.) shall be the protein that is obtained by extraction of collagenous material, and

(a) its characters are

(i) *Description*,—gelatin occurs in translucent sheets, shreds, powder, or granules that are colourless or pale-yellowish in colour and possess a slight odour and taste, and

(ii) *Solubility*,—gelatin is

(1) insoluble in

(a) cold water, but swells and softens when immersed in it,

(b) alcohol (90 per cent),

(c) solvent ether, and

(d) chloroform, and

(2) soluble in

(a) hot water, forming a jelly on cooling,

(b) a cold mixture of glycerin and water, and

(c) acetic acid,

(b) the tests for its identity are

(i) a dilute solution of gelatin in water produces a precipitate with

(1) solution of trinitrophenol,

(2) solution of tannic acid,

- (3) solutions of *chromium trioxide*, but not with
- (4) other acids,
- (5) a dilute solution of *alum*,
- (6) solution of *lead acetate*, or
- (7) test-solution of *ferric chloride*,
- (ii) when heated with *soda lime*, it evolves ammonia, and
- (iii) a solution in *water* produces, with solution of *mercury nitrate*, a white precipitate which develops a brick-red colour on warming, and
- (c) the tests for its purity are
 - (i) *Arsenic*,—the *arsenic limit* shall be 1.4 parts per million,
 - (ii) *Copper*,—the *copper limit* shall be 30 parts per million,
 - (iii) *Fluorine*,—the *fluorine limit* shall be 1.4 parts per million,
 - (iv) *Lead*,—the *lead limit* shall be 10 parts per million,
 - (v) *Sulphur dioxide*,—the *sulphur dioxide limit* shall be 500 parts per million,
 - (vi) *Zinc*,—the *zinc limit* shall be 50 parts per million,
 - (vii) *Odour and taste of a solution*,—a warm 5 per cent w/v solution of gelatin in *water* shall be free from objectionable taste and offensive odour,
 - (viii) *Loss on drying*,—gelatin shall lose not more than 16 per cent of its weight when dried by the method employed by the Food and Drug Laboratories,
 - (ix) *Ash*,—gelatin shall leave not more than 2.6 per cent of ash when determined by the method employed by the Food and Drug Laboratories, and
 - (x) *Bacterial content*,—when tested by the method employed by the Laboratory of Hygiene it shall not show the presence of more than 10,000 bacteria per gram and coliform bacteria shall not be evident in 0.01 gram.

HALIBUT LIVER OIL

Oleum Hippoglossi

C.06.290. Halibut Liver Oil (Ol. Hippoglos.) shall be the fixed oil extracted from the fresh or suitably preserved liver of the halibut, *Hippoglossus hippoglossus* L. and other species of *Hippoglossus*, and shall contain in each gram not less than 60,000 International Units of vitamin A activity, and

- (a) its characters are
 - (i) *Description*,—halibut liver oil is a yellow to brownish yellow oily liquid, possessing a slightly fishy, but not rancid odour, and a fishy taste,
 - (ii) *Solubility*,—halibut liver oil is slightly soluble in *alcohol (90 per cent)*, and is miscible with
 - (1) *ether*,
 - (2) *chloroform*,
 - (3) *carbon disulphide*, and
 - (4) *ethyl acetate*,
- (b) the test for its identity is
 - (i) dissolve 1 drop of halibut liver oil in 1 ml. of *chloroform* and shake the mixture with 1 drop of *sulphuric acid*: a blue colour is produced, which changes to violet, then to dark green, and finally to black, and
- (c) the tests for its purity are

(i) *Constants*,—

- (1) its *specific gravity* is between 0.920 and 0.930,
- (2) its *saponification value* is between 160 and 180,
- (3) its *iodine value* is between 125 and 155, and
- (4) the unsaponifiable matter is between 7 and 13.5 per cent, and

- (ii) *Acid value*,—the *acid value* of halibut liver oil is not greater than 2.8 when determined by dissolving 2 gm. halibut liver oil in a mixture of 10 ml. each of *alcohol* (95 per cent) and *ether*, previously neutralized to *phenolphthalein*, and titrating with *N/10 sodium hydroxide*, using *solution of phenolphthalein* as indicator, the titration being complete when a pink colour persists after shaking for 15 seconds.

C.06.291. Halibut liver oil shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a dark, cool place in a well-filled, well-closed container from which air has been excluded.

<i>Metric</i>	USUAL DOSE	<i>Imperial</i>
	(Prophylactic)	
0.08 ml.		1½ minims
(Approximately equivalent to 5,000 International Units of vitamin A)		
	(Therapeutic)	
0.3 to 1 ml.		5 to 15 minims
(Approximately equivalent to 18,000 to 55,000 International Units of vitamin A)		

INJECTION OF DIGITALIS

Injectio Digitalis

C.06.300. *Injection of Digitalis* (Inj. Digit.) shall be a solution of one or more of the glycosides or of the therapeutically desirable and cardioactive constituents of *Digitalis purpurea* L., in sterilized water or in diluted alcohol and shall be

- (a) sterilized by filtration, as described in the British Pharmacopoeia, and
- (b) assayed by the method employed by the Food and Drug Laboratories.

C.06.301. No person shall sell any injection of digitalis unless the label of every package thereof carries, legibly and conspicuously,

- (a) on both the inner and the outer labels
 - (i) the potency in International Units per millilitre,
 - (ii) the lot number, and
 - (iii) except on the inner label of containers containing 2 ml. or less, the expiration date, and
- (b) on the outer label a cautionary statement in the following or similar terms:

Caution: one digitalis unit given intravenously generally has a greater effect than the same amount given orally. Physicians are advised to take cognizance of the fact when administering injection of digitalis.

C.06.302. The expiration date for injection of digitalis shall be not later than two years after the date of assay.

INJECTION OF DIGITOXIN

Injectio Digitoxini

C.06.310. *Injection of Digitoxin* (Inj. Digitox.) shall be a solution of digitoxin in alcohol (40 to 50 per cent) and may also contain glycerin, and shall be

- (a) sterilized by heating in an autoclave as described in the British Pharmacopoeia,
- (b) assayed by the method employed by the Food and Drug Laboratories, and
- (c) stored in single-dose hermetically sealed containers protected from light.

C.06.311. No person shall sell any injection of digitoxin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the amount of digitoxin contained in each millilitre, and
- (b) the lot number.

INJECTION OF DIGOXIN

Injectio Digoxini

C.06.320. **Injection of Digoxin** (Inj. Digoxin.) shall be a solution of digoxin in alcohol (70 per cent) and shall be

- (a) sterilized by Tyndallization or by filtration as described in the British Pharmacopoeia,
- (b) assayed by the method employed by the Food and Drug Laboratories, and shall contain not less than 67 per cent and not more than 73 per cent v/v of alcohol (C_2H_5OH), and
- (c) stored in single-dose hermetically sealed containers protected from light.

C.06.321. No person shall sell any injection of digoxin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the amount of digoxin contained in each millilitre, and
- (b) the lot number.

INJECTION OF LANATOSIDE C

Injectio Lanatosidi C

C.06.330. **Injection of Lanatoside C** (Inj. Lanatosid. C) shall be a solution of lanatoside C in alcohol (10 per cent) and may also contain glycerin, and shall contain, in each millilitre, the labelled amount of lanatoside C, and shall be

- (a) sterilized preferably by filtration as described in the British Pharmacopoeia,
- (b) assayed by the method employed by the Food and Drug Laboratories, and
- (c) stored in single-dose hermetically sealed containers protected from light.

C.06.331. No person shall sell any injection of lanatoside C unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the amount of lanatoside C contained in each millilitre, and
- (b) the lot number.

USUAL DOSE

See under Lanatoside C

INJECTION OF OUABAIN

Injectio Ouabaini

C.06.340. **Injection of Ouabain** (Inj. Ouabain.) shall be a solution of ouabain in sterilized water and shall be

- (a) sterilized by Tyndallization or by filtration as described in the British Pharmacopoeia,
- (b) assayed by the method employed by the Food and Drug Laboratories, and
- (c) stored in single-dose hermetically sealed ampoules protected from light and heat.

- C.06.341.** No person shall sell any injection of ouabain unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,
- (a) the potency, expressed in terms of milligrams of International Standard Ouabain per millilitre,
 - (b) the lot number, and
 - (c) the expiration date.

- C.06.342.** The expiration date for injection of ouabain shall be not later than two years after the date of assay.

USUAL DOSE

See under Ouabain

INJECTION OF STROPHANTHIN

Injectio Strophanthini

- C.06.350.** **Injection of Strophanthin** (Inj. Strophanthin.) shall be a solution of strophanthin in sterilized water and shall be

- (a) sterilized by Tyndallization or by filtration as described in the British Pharmacopoeia,
- (b) assayed by the method employed by the Food and Drug Laboratories, and
- (c) stored in single-dose hermetically sealed ampoules protected from light and heat.

- C.06.351.** No person shall sell any injection of strophanthin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the potency, expressed in terms of milligrams of International Standard Ouabain per millilitre,
- (b) the lot number, and
- (c) the expiration date.

- C.06.352.** The expiration date for injection of strophanthin shall be not later than two years after the date of assay.

USUAL DOSE

See under Strophanthin

LANATOSIDE C

Lanatosidum C

$C_{49}H_{76}O_{20}$

Mol. Wt. 984.6

- C.06.360.** **Lanatoside C** (Lanatosid. C) shall be a glycoside obtained from the leaves of *Digitalis lanata* Ehrh., and

- (a) its characters are

- (i) *Description*,—lanatoside C occurs as colourless or white crystals or as a white crystalline powder that is

- (1) odourless,
- (2) melts indistinctly and with decomposition at approximately 250°C , and
- (3) is hygroscopic, rapidly absorbing approximately 7 per cent of moisture when exposed to air,

- (ii) *Solubility*,—lanatoside C is

- (1) insoluble in *water*,
- (2) practically insoluble in *ether*,
- (3) practically insoluble in *light petroleum*,
- (4) sparingly soluble in *alcohol (95 per cent)*,
- (5) soluble in *dioxan*,

- (6) soluble in *pyridine*,
- (7) soluble, 1:20 w/v, in *methyl alcohol*, and
- (8) soluble, 1:2,000 w/v, in *chloroform*, and
- (iii) *Specific rotation*,—the *specific rotation*, α_D^{25} , of *lanatoside C* is between 33.4° and 33.7° and is determined using a solution in *alcohol* (95 per cent) containing the equivalent of 200 mg. of dried *lanatoside C* in 10 ml. of the solution, and using a 100-millimetre tube,
- (b) the test for its identity is
 - (i) add 0.5 ml. of *test-solution of ferric chloride* to 100 ml. of *glacial acetic acid*, and mix well; dissolve 2 to 3 mg. of *lanatoside C* in 5 ml. of this solution, and underlay with 5 ml. of *sulphuric acid*: an intense indigo-blue colour is immediately formed in the *acetic acid* layer, and a brown ring, free from red, is produced at the junction of the two liquids, and
- (c) the tests for its purity are
 - (i) *Loss on drying*,—when dried in vacuum over *sulphuric acid* to constant weight, *lanatoside C* loses not more than 7.5 per cent by weight, and
 - (ii) *Ash*,—when incinerated, *lanatoside C* leaves not more than 0.05 per cent of ash.

C.06.361. *Lanatoside C* shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in closed containers resistant to light.

C.06.362. No person shall sell any *lanatoside C* unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the lot number, and
- (b) the number of milligrams of *lanatoside C* per tablet or other individual dosage or dispensing form.

USUAL DOSE

Metric
0.25 to 0.75 mg.

Imperial
1/260 to 1/80 grain

LINIMENT OF CAMPHOR

Linimentum Camphorae

C.06.370. *Liniment of Camphor*, *Camphor Liniment*, *Camphorated Oil* (*Lin. Camph.*) shall be a solution of camphor in any vegetable oil that

- (a) is free from objectionable odour,
- (b) is pale yellow or pale green in colour,
- (c) has an iodine value (*Hanus*) not exceeding 135, and
- (d) has a freezing point not above 0°C ,

and shall contain not less than 19 per cent and not more than 21 per cent of camphor.

C.06.371. The test for the purity of liniment of camphor is

Mineral oil,—boil 1 gm. of the oil resulting from the assay with 10 ml. of *N/1 potassium hydroxide, alcoholic*, under a reflux condenser for 15 minutes: the resulting liquid is clear and homogeneous.

C.06.372. *Liniment of camphor* shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a cool place, in a well-closed container.

MAGNESIUM SULPHATE

Magnesii Sulphas

 $\text{MgSO}_4 \cdot 7\text{H}_2\text{O}$

Mol. Wt. 246.5

C.06.380. Magnesium Sulphate, Epsom Salt (Mag. Sulph.) shall be the Magnesium Sulphate of the British Pharmacopoeia, except that it may contain not more than the equivalent of 120 per cent of $\text{MgSO}_4 \cdot 7\text{H}_2\text{O}$.

NEOARSPHENAMINE

Neoarsphenamina

 $\text{C}_{13}\text{H}_{13}\text{As}_2\text{N}_2\text{O}_4\text{SNa}$

Mol. Wt. 466.1

C.06.390. Neoarsphenamine (Neoarsphen.) shall be the sodium salt of 3,3'-diamino-4,4'-dihydroxyarsenobenzene-N-methanal sulphonylate that shall contain not less than 18 per cent and not more than 21 per cent of arsenic, when determined by the method employed by the Food and Drug Laboratories, and

(a) its characters are

(i) *Description*.—neoarsphenamine occurs as a yellow powder that is odourless or has a slight odour and its solution in *water* is neutral or slightly alkaline to *litmus paper* (difference from arsphenamine and sulpharsphenamine), and in the dry state or in solution it is readily oxidized by exposure to the air, becoming darker and more toxic, and the oxidization is accelerated by increasing the temperature, and

(ii) *Solubility*.—neoarsphenamine is

- (1) very soluble in *water*,
- (2) soluble in *glycerin*,
- (3) slightly soluble in *alcohol* (95 per cent), and
- (4) almost insoluble in
 - (a) *dehydrated alcohol*,
 - (b) *chloroform*, and
 - (c) *ether*,

(b) the tests for its identity are

- (i) to 20 ml. of a solution of neoarsphenamine (1:100) in recently boiled *water* add 0.5 ml. of *dilute hydrochloric acid*: a heavy precipitate is formed within 1 minute,
- (ii) to 10 ml. of a solution of neoarsphenamine (1:100) in recently boiled *water* add 10 ml. of *dilute hydrochloric acid* and heat: the odour of sulphur dioxide is perceptible,
- (iii) to 5 ml. of a solution of neoarsphenamine (1:1,000) in recently boiled *water* add 3 drops of freshly prepared *test-solution of ferric chloride*: a purple or purplish red colour is produced which changes to dark red, and
- (iv) to the solution resulting from the assay for arsenic add *hydrogen sulphide*: a yellow precipitate is formed, which is soluble in *solution of ammonium carbonate*, and

(c) the tests for its purity are

- (i) *Loss on drying*.—when dried for 24 hours in a vacuum desiccator over fresh *phosphorus pentoxide*, neoarsphenamine loses not more than 1.5 per cent by weight,
- (ii) *Solubility*.—add 0.6 gm. neoarsphenamine to 6 ml. of *water* in a test tube and gently rotate the mixture: a complete solution results in 5 minutes,
- (iii) *Thermostability*.—when tested for thermostability by the method employed by the Food and Drug Laboratories, no change in colour, consistency, or solubility is found, and

- (iv) *Toxicity*.—the toxicity is not greater than that of the International Reference Standard Neoarsphenamine as determined by the method employed by the Food and Drug Laboratories.

C.06.391. Neoarsphenamine shall be stored in a cool place, preferably not above 20°C, in sealed tubes of colourless glass from which the air has been excluded either by the production of a vacuum or by displacement with a non-oxidizing gas.

C.06.392. Every manufacturer of neoarsphenamine shall submit to the Chief Dominion Analyst a sample of each lot of neoarsphenamine manufactured, which sample shall consist of not less than 8 sealed containers of the product as completed for issue, taken by random sampling from the whole lot, and shall, in no case, consist of less than 7.2 gm. of the product, and each sample shall be accompanied by protocols of its tests, which protocols shall include a report of

- (a) arsenic content,
- (b) moisture, and
- (c) toxicity.

C.06.393. Every manufacturer of neoarsphenamine shall submit, whenever requested to do so by the Chief Dominion Analyst, clinical evidence of the safety of any lot of neoarsphenamine manufactured by him.

C.06.394. No manufacturer shall sell any neoarsphenamine from a lot that has not been released by the Chief Dominion Analyst.

C.06.395. A manufacturer of neoarsphenamine shall keep standing records in form satisfactory to the Minister, of each lot of neoarsphenamine respecting its

- (a) manufacture,
- (b) testing,
- (c) disposition, and
- (d) distribution,

and in each case the date thereof.

C.06.396. The manufacturer shall withdraw from sale and shall recall any lot of neoarsphenamine which in the opinion of the Chief Dominion Analyst is deficient in any respect.

C.06.397. No person shall sell any neoarsphenamine unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the quantity in grams of neoarsphenamine per ampoule,
- (b) the lot number,
- (c) the expiration date, that shall be not later than 4 years after the date of release by the Chief Dominion Analyst, and
- (d) where applicable, a statement that the container is a multiple-dose container.

NITROUS OXIDE

Nitrogenii Monoxidum

N₂O

Mol. Wt. 44.02

C.06.400. Nitrous Oxide (Nitrogen. Monox.) shall contain, when drawn from a cylinder in the upright position, not less than 98 per cent v/v of nitrous oxide, and

(a) its characters are

- (i) *Description*.—nitrous oxide occurs as a colourless gas, heavier than air, possessing a characteristic odour and a faintly sweetish taste, and
- (ii) *Solubility*.—one volume of nitrous oxide dissolves in approximately 2 volumes of water at temperatures between 15°C. and 25°C.

(b) the tests for its identity are

- (i) a glowing splinter of wood bursts into flame on being plunged into the gas, and
- (ii) when mixed with an equal volume of nitric oxide, no red fumes are produced (difference from oxygen), and

(c) the tests for its purity are

- (i) *Carbon monoxide*,—nitrous oxide, that shall be the first portion drawn from a cylinder thereof in the upright position, contains not more than 50 parts per million v/v of carbon monoxide; pass a measured volume of between 5 and 10 litres, calculated to normal temperature and pressure, through a purifying train comprising
 - (1) *fuming sulphuric acid*,
 - (2) *sulphuric acid*,
 - (3) 33 per cent w/v aqueous solution of *potassium hydroxide*,
 - (4) *soda lime*,
 - (5) *potassium hydroxide*, and
 - (6) *phosphorus pentoxide*,

and then through a tube containing *iodine pentoxide* (previously dried at 200°C) maintained at a temperature of 120°C, and absorb the liberated iodine in *solution of potassium iodide*; sweep out the apparatus with 5 litres of air free from carbon monoxide; titrate the iodine with *N/500 sodium thiosulphate*, and from the amount used subtract the amount required in a similar test in which 5 litres of air free from carbon monoxide are used: each millilitre of the difference between the two titrations is equivalent to 0.112 ml. of carbon monoxide at normal temperature and pressure,

- (ii) *Water vapour and carbon dioxide*,—pass a measured quantity of nitrous oxide successively through absorption tubes containing (1) *phosphorus pentoxide* and (2) *soda lime*: the increase of weight of tube (1) does not exceed 2 mg. per litre of gas, and the increase in weight of tube (2) does not exceed 4 mg. per litre of gas, both the initial and final weighings of the absorption tubes being made when the air in them has been displaced with nitrous oxide,
- (iii) *Uncondensable gases*,—expose a measured volume of nitrous oxide to the temperature of liquid air: the proportion of uncondensed gases is not greater than 1.5 per cent v/v,
- (iv) *Arsine and phosphine*,—pass a volume of nitrous oxide equivalent to 2 litres, measured at normal temperature and pressure, through a glass tube, as in the *arsenic limit test*: no visible stain is produced on the *mercuric bromide paper*,
- (v) *Halides and hydrogen sulphide*,—pass a volume of nitrous oxide, equivalent to 2 litres measured at normal temperature and pressure, in 30 minutes through 100 ml. of *water* containing 1 ml. of *solution of silver nitrate*: neither opalescence nor darkening is produced,
- (vi) *Acidity and Alkalinity*,—to 300 ml. of *water* add 1 ml. of *solution of methyl red* and boil for 5 minutes; transfer 100 ml. of this solution to three similar cylinders and label them 1, 2 and 3; while still warm add 0.1 ml. of *N/100 sulphuric acid* or *N/100 hydrochloric acid* to cylinder 1, 0.2 ml. of the same acid to cylinder 2, and 0.3 ml. to cylinder 3; stopper cylinders 1 and 3, and pass a volume of nitrous oxide, equivalent to 2 litres measured at normal temperature and pressure, in 30 minutes through cylinder 2: the colour in cylinder 2 is not more yellow than that in cylinder 1, and not more pink than that in cylinder 3,
- (vii) *Reducing substances*,—pass a volume of nitrous oxide, equivalent to 2 litres measured at normal temperature and pressure, in 30 minutes through 100 ml. of *water* containing 0.2 ml. of *N/10 potassium permanganate*: the colour is not completely discharged, and

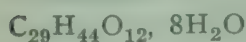
- (viii) *Oxidizing substances*,—pass a volume of nitrous oxide, equivalent to 2 litres measured at normal temperature and pressure, in 30 minutes through a freshly prepared solution of 0.5 gm. of soluble starch and 0.5 gm. of potassium iodide in 100 ml. of water: no colour is developed.

C.06.401. Nitrous oxide shall be stored under compression in metal cylinders.

NOTE: In the tests prescribed in C.06.400 (c) (v) to C.06.400 (c) (viii) the reagent is placed in a 100-ml. cylinder that has a height of about 20 centimetres closed with a stopper containing an inlet tube, that has a bore not exceeding 0.5 millimetre and that reaches nearly to the bottom of the cylinder, and an exit tube.

OUABAIN

Ouabainum



Mol. Wt. 728.7

C.06.410. Ouabain (Ouabain.) shall be a glycoside obtained from the seeds of *Strophanthus gratus* (Wall. et Hook.) Baillon, and shall correspond in potency to International Standard Ouabain, and

(a) its characters are

(i) *Description*,—ouabain occurs as white, odourless crystals or as a crystalline powder that is stable in air, but is affected by light,

(ii) *Solubility*,—ouabain is

(1) slowly soluble in approximately 75 parts of water,

(2) more soluble in hot water, and

(3) slowly soluble in approximately 100 parts of alcohol (95 per cent), and

(4) more soluble in hot alcohol (95 per-cent), and,

(iii) *Constants*,—

(1) *Melting point*,—the melting point of ouabain, previously dried at 130°C, is between 186°C and 189°C, and

(2) *Specific rotation*,—the specific rotation, α_D^{25} , of ouabain is between -31° and -32.5° and is determined using a solution containing 1 gm. of anhydrous ouabain in 100 ml. of water,

(b) the tests for its identity are

(i) dissolve about 2 mg. of ouabain in 2 ml. of sulphuric acid: a colour develops which is dark red by transmitted light and shows a greenish fluorescence by reflected light, and

(ii) dissolve about 0.1 gm. of ouabain in 5 ml. of dilute sulphuric acid with the aid of heat and boil the solution for 1 or 2 minutes: the solution becomes brownish and turbid; cool, filter, and add to the filtrate 5 ml. of solution of sodium hydroxide and an equal volume of water; then add 3 ml. of solution of potassium-cupric tartrate and boil: a red precipitate of cuprous oxide is formed, and

(c) the tests for its purity are

(i) *Reaction*,—aqueous solutions of ouabain are neutral to litmus paper,

(ii) *Alkaloids*,—a 1 per cent aqueous solution of ouabain yields no precipitate with solution of tannic acid or with solution of iodine,

(iii) *Loss on drying*,—when dried at 130°C, ouabain loses not less than 18 per cent and not more than 22 per cent by weight, and

(iv) *Ash*,—when incinerated, ouabain leaves not more than 0.05 per cent of ash.

C.06.411. Ouabain shall be

(a) assayed by the method employed by the Food and Drug Laboratories, and

(b) stored in a well-closed container protected from light.

C.06.412. No person shall sell any ouabain unless both the inner and the outer labels of every package thereof carry the lot number legibly and conspicuously.

USUAL DOSE

Metric
0.25 mg.

Imperial
1/260 grain

Preparation: Injection of Ouabain

NOTE: Ouabain is very poisonous and should not be tasted.

OXOPHENARSINE HYDROCHLORIDE

Oxophenarsinae Hydrochloridum

$C_6H_6AsNO_2$, HCl

Mol. Wt. 235.5

C.06.420. Oxophenarsine Hydrochloride (Oxophenarsin. Hydrochlor.) shall be 3-amino-4-hydroxyphenylarsenoxide hydrochloride and, when dried in a vacuum desiccator over *phosphorus pentoxide* for 24 hours, shall contain not less than 30 per cent and not more than 32 per cent of total arsenic, trivalent arsenic equivalent to not less than 97 per cent of the total arsenic, and a chlorine content determined as chloride of not less than 14.8 per cent and not more than 16 per cent, when determined by the methods employed by the Food and Drug Laboratories, and

(a) its characters are,

(i) *Description*,—oxophenarsine hydrochloride occurs as a white or nearly white, odourless powder, and

(ii) *Solubility*,—oxophenarsine hydrochloride is soluble in

(1) *water*,

(2) aqueous solutions of alkali hydroxides and carbonates, and

(3) dilute mineral acids,

(b) the tests for its identity are

(i) to approximately 50 mg. of oxophenarsine hydrochloride dissolved in 3 ml. of *water* add 0.25 gm. of sodium hydrosulphite: a salmon-coloured precipitate is formed which rapidly changes to yellow,

(ii) to 10 mg. of oxophenarsine hydrochloride dissolved in 1 ml. of *water* add 1 ml. of *hydrochloric acid* and 1 drop of *hypophosphorous acid*: a nearly white to yellow precipitate is formed, and

(iii) to 5 ml. of *acetone* contained in a test tube add approximately 50 mg. of oxophenarsine hydrochloride, insert a loose plug of cotton and boil gently: the escaping vapours do not turn blue *litmus paper* red (difference from dichlorophenarsine hydrochloride), and

(c) the tests for its purity are

(i) *Loss on drying*,—when dried in a vacuum desiccator over fresh *phosphorus pentoxide* for 24 hours, oxophenarsine hydrochloride loses not more than 1.0 per cent by weight; and mixtures containing oxophenarsine hydrochloride similarly tested lose not more than 0.5 per cent by weight,

(ii) *Solubility*,—oxophenarsine hydrochloride, both before and after being subjected to the thermostability test, is completely soluble in *water* as a 1 per cent solution, when tested by the method employed by the Food and Drug Laboratories,

(iii) *Thermostability*,—when tested for thermostability by the method employed by the Food and Drug Laboratories no marked change in colour, consistency, or solubility is found, and

- (iv) *Toxicity*.—the toxicity shall be equivalent to that of the Canadian Reference Standard Oxophenarsine Hydrochloride as determined by the method employed in the Food and Drug Laboratories.

- C.06.421.** Oxophenarsine hydrochloride shall be stored in a cool place, preferably not above 20°C, in hermetically sealed containers of colourless glass, which have been sterilized prior to filling, and from which the air has been excluded either by the production of a vacuum or by displacement with a non-oxidizing gas.
- C.06.422.** Mixtures of oxophenarsine hydrochloride with buffering agents and substances for rendering its solution physiologically compatible with human blood shall contain total arsenic equivalent to not less than 92.5 per cent and not more than 107.5 per cent of the labelled amount of oxophenarsine hydrochloride, and such mixtures shall also meet the specifications for oxophenarsine hydrochloride with respect to tests for identity and solubility, and should be stored as directed in C.06.421.
- C.06.423.** Every manufacturer of oxophenarsine hydrochloride shall submit to the Chief Dominion Analyst a sample of each lot of oxophenarsine hydrochloride manufactured, which sample shall consist of
- (a) not less than 10 sealed containers of the product as completed for issue, taken by random sampling from the whole lot, and, in no case, shall consist of less than 0.6 gm. of the product, and
 - (b) 2 containers of 1 gm. each of pure oxophenarsine hydrochloride, and each sample shall be accompanied by protocols of its tests, which protocols shall include a report of
 - (c) arsenic content, total and trivalent,
 - (d) moisture, and
 - (e) toxicity.
- C.06.424.** Every manufacturer of oxophenarsine hydrochloride shall submit, whenever requested to do so by the Chief Dominion Analyst, clinical evidence of the safety of any lot of oxophenarsine hydrochloride manufactured by him.
- C.06.425.** No manufacturer shall sell any oxophenarsine hydrochloride from a lot that has not been released by the Chief Dominion Analyst.
- C.06.426.** A manufacturer of oxophenarsine hydrochloride shall keep standing records in form satisfactory to the Minister, of each lot of oxophenarsine hydrochloride respecting its
- (a) manufacture,
 - (b) testing,
 - (c) disposition, and
 - (d) distribution,
- and in each case the date thereof.
- C.06.427.** A manufacturer of oxophenarsine hydrochloride shall withdraw from sale and shall recall any lot of oxophenarsine hydrochloride which in the opinion of the Chief Dominion Analyst is deficient in any respect.
- C.06.428.** No person shall sell any oxophenarsine hydrochloride unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,
- (a) the quantity in grams of oxophenarsine hydrochloride per ampoule,
 - (b) the lot number,
 - (c) the expiration date, that shall be not later than 3 years after the date of release by the Chief Dominion Analyst,
 - (d) the names of any admixed substances, except on the inner label of single-dose containers, and
 - (e) where applicable, a statement that the container is a multiple-dose container.

PHOSPHORIC ACID

Acidum Phosphoricum



Mol. Wt. 98.00

C.06.430. Phosphoric Acid (Acid. Phosph.) shall contain not less than 85 per cent and not more than 88 per cent w/w of phosphoric acid, and

(a) its characters are

(i) *Description*,—phosphoric acid is a colourless, odourless liquid of syrupy consistence, and is miscible with water, and, when heated, loses water and is converted finally into metaphosphoric acid, forming a transparent solid on cooling,

(b) tests for its identity are

(i) *Reaction*,—phosphoric acid is strongly acid, even when diluted freely, and

(ii) it yields, when neutralized, the *reactions* characteristic of phosphates, and

(c) the tests for its purity are

(i) *Specific gravity*,—the *specific gravity* is between 1.70 and 1.73,

(ii) *Alkali phosphates*,—transfer 1 ml. of phosphoric acid to a graduated cylinder, and add 6 ml. of *ether* and 2 ml. of *alcohol (95 per cent)*: no turbidity appears.

(iii) *Phosphorous and hypophosphorous acid*,—dilute 0.5 ml. of phosphoric acid with 10 ml. of *water*, and warm with 2 ml. of *solution of silver nitrate*: the mixture does not become brown,

(iv) *Chlorides*,—using 1 ml., phosphoric acid complies with the *limit test for chlorides*.

(v) *Sulphates*,—using 0.5 ml., phosphoric acid complies with the *limit test for sulphates*,

(vi) *Iron*,—using 0.1 ml., phosphoric acid complies with the *limit test for iron*,

(vii) *Arsenic*,—the *arsenic limit* in phosphoric acid is 5 parts per million, and,

(viii) *Lead*,—the *lead limit* in phosphoric acid is 10 parts per million.

C.06.431. Phosphoric acid shall be assayed by the method employed by the Food and Drug Laboratories.

Preparation: Dilute Phosphoric Acid

PITUITARY EXTRACT (POSTERIOR LOBE)

Extractum Pituitarii Posterioris

C.06.440. Pituitary Extract (Posterior Lobe) (Ext. Pituit. Post.) shall be the aqueous extract prepared from the separated posterior lobe of the pituitary bodies of oxen or other mammals, and

(a) its characters are

(i) *Description*,—pituitary extract (posterior lobe) is a clear, colourless liquid with a faint odour, and shall have a pH between 3 and 4, and

(b) the tests for its identity are

(i) pituitary extract (posterior lobe) causes contraction of the uterine muscle of the guinea-pig suspended in a suitable bath,

(ii) pituitary extract (posterior lobe) causes a rise of the blood pressure when injected into the vein of a mammal anaesthetized by a general anaesthetic or by destruction of the brain,

(iii) when injected under the skin of a mammal, at the same time as a volume of water is administered by mouth, pituitary extract (posterior lobe) causes a delay in the excretion of the water, and

- (iv) when mixed with an equal volume of *2N sodium hydroxide* and allowed to stand for 1 hour at room temperature, and then neutralized, the actions on the blood pressure and excretion of water disappear, and the activity on the uterine muscle of the guinea-pig is reduced to not more than 5 per cent of that originally present.

C.06.441. Pituitary extract (posterior lobe) shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in single-dose hermetically sealed containers that should be maintained at as low a temperature as possible above its freezing point, and the glass ampoules, or glass vials shall meet the tests for *limit of alkalinity of glass*.

C.06.442. No person shall sell pituitary extract (posterior lobes) unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the potency in International Units per millilitre, except in the case of single-dose containers of one millilitre or less, where the potency shall be expressed in International Units per dose,
- (b) the lot number, and
- (c) except on the inner label of single-dose containers, the expiration date, that shall be not later than 18 months after the said date of assay.

USUAL DOSE

<i>Metric</i>	<i>Imperial</i>
0.2 to 0.5 ml.	3 to 8 minims
(representing between 2 and 5 International Units)	

PONCEAU 3R

Rubrum Cumidinum

C.06.450. Ponceau 3R, Cumidine Red (Rubr. Cumid.) shall be the disodium salt of 1-pseudocumylazo-2-naphthol-3, 6-disulphonic acid that shall not contain by weight more than

- (a) 0.5 per cent of water insoluble matter,
- (b) 0.4 per cent of combined ether extracts,
- (c) 0.2 per cent of pseudo-cumidine,
- (d) 1.0 per cent of mixed oxides,
- (e) 5.0 per cent of lower sulphonated dyes,
- (f) 4 parts per million of arsenic, calculated as arsenic trioxide,
- (g) 10 parts per million of lead, calculated as lead, and
- (h) 100 parts per million of other heavy metals, calculated as the respective metal,

as determined by the methods employed by the Food and Drug Laboratories, and the boiling range of the pseudo-cumidine obtained by reduction of the dye shall be between 220°C and 245°C.

POWDERED DIGITALIS

Digitalis Pulverata

C.06.460. Powdered Digitalis (Digit. Pulverat.) shall be digitalis dried at a temperature not exceeding 60°C and reduced to a fine powder, of which all will pass through a 177-micron sieve and not more than 40 per cent through a 125-micron sieve (Canadian Standard Specification, 8-GP-1), and for therapeutic administration, shall be assayed and adjusted to contain 10 International Units in 1 gm., for which purpose, powdered digitalis, containing more than 10 International Units in 1 gm., may be adjusted to contain 10 International Units in 1 gm., by thorough mixture with powdered digitalis

containing less than 10 International Units in 1 gm., or with the exhausted marc remaining when tincture of digitalis has been prepared, the marc being carefully dried before mixing, and the test for its purity is

Loss on drying,—when dried at 100°C, powdered digitalis loses not more than 5 per cent by weight.

C.06.461. Powdered digitalis shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored to prevent access of moisture in a well-closed container that includes where necessary a device containing a non-liquefying inert, dehydrating substance to control the humidity.

C.06.462. No person shall sell any powdered digitalis unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the potency in terms of International Units per gram, or per tablet or other individual dosage or dispensing form,
- (b) a statement of the number of grains of powdered digitalis per tablet or other individual dosage or dispensing form, and
- (c) the lot number.

USUAL DOSE
(Maintenance)

Metric
30 to 100 mg.

Imperial
½ to 1½ grains

SODIUM PHOSPHATE

Sodii Phosphas

$\text{Na}_2\text{HPO}_4 \cdot 12\text{H}_2\text{O}$

Mol. Wt. 358.2

C.06.470. Sodium Phosphate (Sod. Phosph.) shall be the Sodium Phosphate of the British Pharmacopoeia except that it may contain not more than the equivalent of 120 per cent of $\text{Na}_2\text{HPO}_4 \cdot 12\text{H}_2\text{O}$.

SODIUM SULPHATE

Sodii Sulphas

$\text{Na}_2\text{SO}_4 \cdot 10\text{H}_2\text{O}$

Mol. Wt. 322.2

C.06.480. Sodium Sulphate, Glauber's Salt (Sod. Sulph.) shall be the Sodium Sulphate of the British Pharmacopoeia except that it may contain not more than the equivalent of 110 per cent of $\text{Na}_2\text{SO}_4 \cdot 10\text{H}_2\text{O}$.

SPIRIT OF NITROUS ETHER

Spiritus Aetheris Nitrosi

C.06.485. Spirit of Nitrous Ether, Sweet Spirit of Nitre (Sp. Aether. Nitros.) shall be the Spirit of Nitrous Ether of the British Pharmacopoeia except that it may contain a small crystal of potassium bicarbonate.

STRONG SOLUTION OF IODINE

Liquor Iodi Fortis

C.06.490. Strong Solution of Iodine, Strong Tincture of Iodine (Liq. Iod. Fort.) shall be a solution of iodine containing

- (a) not less than 9 per cent and not more than 11 per cent of iodine,
- (b) not less than 5.4 per cent and not more than 6.6 per cent of potassium iodide, and
- (c) not less than 76 per cent and not more than 79 per cent v/v of alcohol ($\text{C}_2\text{H}_5\text{OH}$).

C.06.491. Strong solution of iodine shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a well-closed, glass-stoppered bottle.

STROPHANTHIN

Strophanthinum

C.06.500. Strophanthin (Strophanthin.) shall be a glycoside or a mixture of glycosides obtained from the seeds of *Strophanthus Kombé* Oliver, and shall have in each milligram a potency corresponding to 0.5 mg. of International Standard Ouabain, and

(a) its characters are

- (i) *Description*,—strophanthin occurs as a white or yellowish powder containing varying proportions of water which is not lost entirely without decomposition, and is stable in air, and
- (ii) *Solubility*,—strophanthin is
 - (1) soluble in *water* and in *alcohol* (60 per cent),
 - (2) less soluble in *dehydrated alcohol*, and
 - (3) almost insoluble in *chloroform*, *ether*, and *benzene*, and
- (iii) *Optical rotation*,—an aqueous solution of strophanthin is dextro-rotatory,

(b) the tests for its identity are

- (i) when moistened with *sulphuric acid*, strophanthin assumes an emerald-green colour, turning to brown,
- (ii) to 5 ml. of a 2 per cent w/v aqueous solution of strophanthin add 1 drop of *test-solution of ferric chloride* and 2 or 3 ml. of *sulphuric acid*: a red precipitate is formed which turns green on standing for 1 or 2 hours,
- (iii) dissolve 0.1 gm. of strophanthin in 15 ml. of *water* and add 5 ml. of hot *solution of potassio-cupric tartrate*: no precipitate is produced, and
- (iv) heat about 0.1 gm. of strophanthin with 5 ml. of *dilute hydrochloric acid* to about 70°C: a precipitate of strophanthidin is formed; cool, filter, and add to the filtrate 5 ml. of a mixture of *solution of sodium hydroxide* and an equal volume of *water*; then add 3 ml. of *solution of potassio-cupric tartrate* and boil; a red precipitate of cuprous oxide is formed, and

(c) the tests for its purity are

- (i) *Reaction*,—an aqueous solution of strophanthin is neutral to *litmus paper*, and
- (ii) *Ash*,—on incineration strophanthin leaves not more than 0.05 per cent of ash.

C.06.501. Strophanthin shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a well-closed container protected from light.

C.06.502. No person shall sell any strophanthin unless both the inner and the outer labels of every package thereof carry the lot number legibly and conspicuously.

USUAL DOSE

Metric

0.5 mg.

Imperial

1/130 grain

NOTE: Strophanthin is very poisonous and should not be tasted.

NOTE: Strophanthin is very poisonous and should not be tasted.

STROPHANTHUS

Strophanthus

C.06.510. Strophanthus (Strophanth.) shall be the dried, ripe seed of *Strophanthus Kombé* Oliver or of *Strophanthus hispidus* De Candolle, freed from the awns, and its potency per gram shall correspond to not less than 42 mg. of International Standard Ouabain, and

(a) its characters are

(i) *Macroscopic*,—

(1) *S. Kombé*: the seeds of *S. Kombé* are oblong-lanceolate, flattened and obtusely-edged, varying from 8 to 25 millimetres in length, from 2.5 to 5 millimetres in width, and from 0.5 to 2 millimetres in thickness; the raphe edge extends from near the centre of one side to the apex; the seeds are mostly pale yellow, with a greenish tinge, some being brown to light olive, and are covered with longitudinal rows of closely appressed hairs directed to the apex; the kernel is grayish-white and oily, the cotyledons straight and the endosperm narrow, and

(2) *S. hispidus*: the seeds of *S. hispidus* are similar in character, except that the colour is light-brown to dark-brown, the size somewhat smaller, and the hairs fewer and shorter,

(ii) *Microscopic*,—the epidermis of the testa is composed of elongated polygonal cells, with straight, thickened and lignified side walls, many being extended to form hairs with a longitudinal lignified rib, and with band-shaped thickening at the base; the endosperm consists of 9 to 30 rows of parenchymatous cells; in the testa may be found scattered cluster crystals and an occasional single crystal of calcium oxalate; and in the endosperm and cotyledons, fixed oil, aleurone grains and starch grains from 4 to 8 microns in diameter, and

(iii) strophanthus has a characteristic odour and a very bitter taste,

(b) the test for its identity is

(i) moisten a cut seed or a portion of powder with *sulphuric acid*: an olive-green to yellowish green colour is produced, and

(c) the test for its purity is

(i) *Ash*,—when incinerated, strophanthus leaves not more than 5 per cent of ash.

C.06.511. Strophanthus shall be assayed by the method employed by the Food and Drug Laboratories.

USUAL DOSE

Metric
30 to 60 mg.

Imperial
½ to 1 grain

Preparation: Tincture of Strophanthus

SULPHARSPHENAMINE

Sulpharsphenamina

$C_{14}H_{14}As_2N_2O_8S_2Na_2$

Mol. Wt. 598.2

C.06.520. Sulpharsphenamine (Sulpharsphen.) shall be the di-sodium salt of 3,3'-diamino-4,4'-dihydroxyarsenobenzene-N-methylene sulphurous acid and shall contain not less than 18 per cent and not more than 21 per cent of arsenic as determined by the method employed by the Food and Drug Laboratories, and

(a) its characters are

(i) *Description*,—sulpharsphenamine occurs as a yellow powder that is odourless or has a very slight odour resembling sulphur dioxide and that in a dry state or in solution is slowly oxidized by exposure

to air, becoming dark and more toxic, and a solution of which in water is acid to *litmus paper* (difference from neoarsphenamine), and

(ii) *Solubility*,—sulpharsphenamine is

- (1) very soluble in *water*, yielding a yellow solution,
- (2) slightly soluble in *alcohol* (95 per cent), and
- (3) insoluble in *ether*,

(b) the tests for its identity are

- (i) to 20 ml. of a solution of sulpharsphenamine (1:100) in recently boiled *water* add 0.5 ml. of *dilute hydrochloric acid* and mix: no precipitate is formed (difference from neoarsphenamine),
- (ii) to 10 ml. of a solution of sulpharsphenamine (1:100) in recently boiled *water* add *solution of sodium hydroxide* drop by drop: no precipitate is produced (difference from arsphenamine),
- (iii) to 10 ml. of a solution of sulpharsphenamine (1:100) in recently boiled *water* add 10 ml. of *dilute hydrochloric acid* and heat: the odour of sulphur dioxide is perceptible,
- (iv) to 5 ml. of a solution of sulpharsphenamine (1:1,000) in recently boiled *water* add 4 drops of freshly prepared *test-solution of ferric chloride*: a dark red colour is produced, and
- (v) to the solution resulting from the assay for arsenic add *hydrogen sulphide*: a yellow precipitate is formed, which is soluble in *solution of ammonium carbonate*, and

(c) the tests for its purity are

- (i) *Loss on drying*,—when dried for 24 hours in a vacuum desiccator over fresh *phosphorus pentoxide*, sulpharsphenamine loses not more than 2.5 per cent by weight,
- (ii) *Solubility*,—add progressively 0.6 gm. of sulpharsphenamine to 6 ml. of *water* in a test tube or small cylinder and gently rotate the mixture: complete solution results in not more than 5 minutes,
- (iii) *Thermostability*,—when tested for thermostability by the method employed by the Food and Drug Laboratories, no marked change in colour, consistency, or solubility is found, and
- (iv) *Toxicity*,—the toxicity shall not be greater than that of the International Reference Standard Sulpharsphenamine as determined by the method employed by the Food and Drug Laboratories.

C.06.521. Sulpharsphenamine shall be stored in a cool place, preferably not above 20°C, in sealed containers of colourless glass, that have been sterilized prior to filling and from which the air has been excluded either by the production of a vacuum or by displacement with a non-oxidizing gas.

C.06.522. Every manufacturer of sulpharsphenamine shall submit to the Chief Dominion Analyst a sample of each lot of sulpharsphenamine manufactured, which sample shall consist of not less than 5 sealed containers of the product as completed for issue, taken by random sampling from the whole lot, and, in no case, shall consist of less than 7.2 gm. of the product, and each sample shall be accompanied by protocols of its tests, which protocols shall include a report of

- (a) arsenic content,
- (b) moisture, and
- (c) toxicity.

C.06.523. Every manufacturer of sulpharsphenamine shall submit, whenever requested to do so by the Chief Dominion Analyst, clinical evidence of the safety of any lot of sulpharsphenamine manufactured by him.

C.06.524. No manufacturer shall sell any sulpharsphenamine from a lot that has not been released by the Chief Dominion Analyst.

C.06.525. A manufacturer of sulpharsphenamine shall keep standing records in form satisfactory to the Minister, of each lot of sulpharsphenamine respecting its

- (a) manufacture,
- (b) testing,
- (c) disposition, and
- (d) distribution,

and in each case the date thereof.

C.06.526. A manufacturer of sulpharsphenamine shall withdraw from sale and shall recall any lot of sulpharsphenamine which in the opinion of the Chief Dominion Analyst is deficient in any respect.

C.06.527. No person shall sell any sulpharsphenamine unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the quantity in grams of sulpharsphenamine per ampoule,
- (b) the lot number,
- (c) the expiration date, which shall not be more than 5 years after the date of release by the Chief Dominion Analyst, and
- (d) where applicable, a statement that the container is a multiple-dose container.

SULPHATHIAZOLE SODIUM

Sulphathiazolum Sodium

$C_9H_8N_3O_2S_2Na, 1\frac{1}{2}, H_2O$

Mol. Wt. 304.3

C.06.530. Sulphathiazole Sodium, Soluble Sulphathiazole, Sulfathiazole Sodium (Sulphathiazol. Sod.) shall contain not less than 99 per cent and not more than the equivalent of 101 per cent of the sodium salt of 2-sulphanilamidothiazole, calculated with reference to the substance dried under reduced pressure at 100°C, and

(a) its characters are

- (i) *Description*,—sulphathiazole sodium occurs as a powder that is
 - (1) white, or faintly yellowish-white,
 - (2) odourless,
 - (3) crystalline,
 - (4) affected by light, and
 - (5) saline and bitter in taste, and

(ii) *Solubility*,—sulphathiazole sodium is

- (1) very soluble in *water*
- (2) soluble in *alcohol (95 per cent)*, and
- (3) insoluble in *ether*,

(b) the tests for its identity are

- (i) an aqueous solution of sulphathiazole sodium is alkaline to *solution of phenolphthalein*,
- (ii) an aqueous solution of sulphathiazole sodium yields the *reactions* characteristic of sodium,
- (iii) dissolve 1 gm. of sulphathiazole sodium in 10 ml. of *water* and add slowly 1 ml. of *dilute hydrochloric acid*; collect the precipitate and recrystallize from boiling *water*: the crystals have a *melting point* between 200°C and 204°C, and meet the following tests,
 - (1) heat about 50 mg. in a dry tube until it is melted: a brown to red colour is produced and on further heating the odours of aniline, ammonia, and hydrogen sulphide are recognizable (difference from sulphanilamide and sulphapyridine), and
 - (2) dissolve 20 mg. in 2 ml. of warm *dilute hydrochloric acid*; cool in ice and add 2 ml. of a 1 per cent solution of *sodium nitrite* in

water, and 1 ml. of solution of β -naphthol: an orange-red precipitate is produced which darkens on standing, and

(c) the tests for its purity are

- (i) Dissolve 1 gm. of sulphathiazole sodium in 10 ml. of water; the solution is clear and colourless,
- (ii) *Chlorides and sulphates*.—1 gm. of sulphathiazole sodium complies with the limit test for chlorides and with the limit test for sulphates,
- (iii) *Arsenic*.—the arsenic limit in sulphathiazole sodium is 2 parts per million,
- (iv) *Lead*.—the lead limit in sulphathiazole sodium is 10 parts per million, and
- (v) *Loss on drying*.—when dried under reduced pressure at 100°C, sulphathiazole sodium loses not more than 9 per cent by weight.

C.06.531. Sulphathiazole sodium shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a well-closed container protected from light.

USUAL DOSE

<i>Metric</i>	<i>Imperial</i>
0.5 to 2 gm.	7½ to 30 grains

TARTRAZINE

Tartrazina

C.06.540. Tartrazine (Tartrazin.) shall be the trisodium salt of 3-carboxy-5-hydroxy-1-*p*-sulphophenyl-4-*p*-sulphophenyl-azopyrazole that shall not contain by weight more than

- (a) 0.5 per cent of water in insoluble matter,
- (b) 0.5 per cent of combined ether extracts,
- (c) 0.1 per cent of phenylhydrazine-*p*-sulphonic acid,
- (d) 1.0 per cent of mixed oxides,
- (e) 3.0 per cent of subsidiary dyes,
- (f) 4 parts per million of arsenic, calculated as arsenic trioxide,
- (g) 10 parts per million of lead, calculated as lead, and
- (h) 100 parts per million of other heavy metals, calculated as the respective metal,

as determined by the methods employed by the Food and Drug Laboratories.

TETRACAINE HYDROCHLORIDE

Tetracainae Hydrochloridum

$C_{15}H_{24}N_2O_2$, HCl

Mol. Wt. 300.8

C.06.550 Tetracaine Hydrochloride (Tetracain. Hydroch.) shall be the hydrochloride of the base prepared by the interaction of chloroethyldimethylamine with sodium *p*-butylamino-benzoate, and shall contain not less than 86.5 per cent and not more than 88.5 per cent of tetracaine base, calculated with reference to the substance dried over sulphuric acid for 18 hours, and

(a) its characters are

- (i) *Description*.—tetracaine hydrochloride occurs as a powder that is
 - (1) fine,
 - (2) white,
 - (3) crystalline,
 - (4) odourless,
 - (5) somewhat bitter in taste, imparting a sense of numbness to the tongue,

- (ii) *Solubility*,—tetracaine hydrochloride is soluble in
 - (1) 7 parts of *water*
 - (2) *alcohol* (95 per cent),
 but is insoluble in *ether*, and
- (iii) *Melting point*,—the *melting point* of tetracaine hydrochloride is between 147°C and 150°C,
- (b) the tests for its identity are
 - (i) to 0.1 gm. of tetracaine hydrochloride dissolved in 10 ml. of *water*, add 1 ml. of a 25 per cent w/v *solution of potassium thiocyanate in water*; collect the precipitate; crystallize from hot water and dry at 80°C: the *melting point* of the crystals is between 130°C and 132°C,
 - (ii) dissolve 0.1 gm. of tetracaine hydrochloride in 10 ml. of *water*, add 3 drops of *dilute hydrochloric acid* and 2 ml. of a 1 per cent *solution of sodium nitrite*, and pour the mixture into 1 ml. of *solution of β-naphthol*: a white to pale salmon-pink precipitate is produced, but no pronounced colour is developed, and
 - (iii) an aqueous solution yields the *reactions* characteristic of chlorides, and
- (c) the tests for its purity are
 - (i) *Loss on drying*,—when dried over *sulphuric acid* for 18 hours, tetracaine hydrochloride loses not more than 1 per cent by weight, and
 - (ii) *Ash*,—when incinerated, tetracaine hydrochloride leaves not more than 0.1 per cent of ash.

C.06.551. Tetracaine hydrochloride shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a well-closed container protected from light.

TINCTURE OF DIGITALIS

Tinctura Digitalis

C.06.560. Tincture of Digitalis (Tinct. Digit.) shall have a potency of one International Unit per millilitre and shall be prepared in accordance with a direct ratio to a 1 litre lot thereof that shall be prepared from

- (a) Digitalis, in No. 40 powder 100 gm.
 - (b) Alcohol (70 per cent) a sufficient quantity,
- by the Percolation Process of the British Pharmacopoeia and collecting 900 ml. that after assay is adjusted with a sufficient quantity of alcohol (70 per cent) to produce a tincture of digitalis of a potency of one International Unit per millilitre.

C.06.561. Tincture of digitalis shall be assayed by the method employed by the Food and Drug Laboratories.

C.06.562. The *alcohol content* of tincture of digitalis shall be between 65 per cent and 70 per cent v/v of alcohol (C_2H_5OH).

C.06.563. No person shall sell any tincture of digitalis unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the potency in International Units per millilitre,
- (b) the lot number, and
- (c) the expiration date, which shall be not later than two years after the date of assay.

USUAL DOSE (Maintenance)

Metric
0.3 to 1 ml.

Imperial
5 to 15 minims

TINCTURE OF STROPHANTHUS

Tinctura Strophanthi

C.06.570. Tincture of Strophanthus (Tinct. Strophanth.) shall be of such potency that the specific activity of 1 ml. corresponds to that of 4.2 mg. of International Standard Ouabain, and shall be prepared in accordance with a direct ratio to a 1 litre lot thereof that shall be prepared from

(a) Strophanthus, in No. 40 powder dried at 45°C 100 gm.

(b) Alcohol (70 per cent) a sufficient quantity, by packing the powder in a percolator, moistening with *light petroleum* (boiling-point, 50° to 60°), and macerating for twenty-four hours, then allowing percolation to proceed, continuing the addition of *light petroleum* (boiling-point 50° to 60°), until the liquid passes through colourless, rejecting the percolate, removing the marc from the percolator, and drying it by exposure to air, finishing the drying, if necessary, in a current of air at a temperature not exceeding 40°C, again reducing it to powder, repacking in the percolator, and moistening with alcohol (70 per cent), and after macerating for forty-eight hours, pouring on successive quantities of alcohol (70 per cent), with slow percolation until 500 ml. of the percolate are obtained, and after having assayed a portion of the percolate, adding sufficient alcohol (70 per cent) to produce a tincture of strophanthus of the required degree of activity.

C.06.571. Tincture of strophanthus shall be assayed by the method employed by the Food and Drug Laboratories.

C.06.572. The *alcohol content* of tincture of strophanthus shall be between 67 per cent and 70 per cent v/v of alcohol (C₂H₅OH).

C.06.573. No person shall sell any tincture of strophanthus unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

(a) the statement, "each ml. corresponds in potency to 4.2 mg. of International Standard Ouabain",

(b) the lot number, and

(c) the expiration date that shall be not later than two years after the date of assay.

USUAL DOSE

- *Metric*

0.12 to 0.5 ml.

Imperial

2 to 8 minims

WEAK SOLUTION OF IODINE

Liquor Iodi Mitis

C.06.580. Weak Solution of Iodine, Tincture of Iodine (Liq. Iod. Mit.) shall be a solution of iodine containing

(a) not less than 2.25 per cent and not more than 2.75 per cent w/v of free iodine,

(b) not less than 2.25 per cent and not more than 2.75 per cent w/v of potassium iodide, and

(c) not less than 80 per cent and not more than 85 per cent v/v of alcohol (C₂H₅OH).

C.06.581. Weak solution of iodine shall be

(a) assayed by the method employed by the Food and Drug Laboratories, and

(b) stored in a well-closed bottle.

ZINC SULPHATE

Zinci Sulphas

ZnSO₄·7H₂O

Mol. Wt. 287.6

C.06.590. Zinc Sulphate (Zinc Sulph.) shall be the Zinc Sulphate of the British Pharmacopoeia except that it may contain not more than the equivalent of 108 per cent of ZnSO₄·7H₂O.

Annex to Division 6

Reagents or Solutions Employed in Tests

Aniline Blue is the water-soluble dye that consists of a mixture of the trisulphonates of triphenyl-*p*-rosaniline and diphenyl-*p*-rosaniline.

Cholesterol is cholesterol of pharmacopoeial grade.

Solution of Cholesterol is a 0.5 per cent w/v solution of cholesterol in *alcohol* (95 per cent).

Delafield's Solution of Haematoxylin is made by dissolving 4 gm. of haematoxylin in 25 ml. of *alcohol* (95 per cent), mixing with 400 ml. of a saturated solution of *ammonium alum* in *water*, and setting aside for 4 days in a flask closed with a plug of cotton wool, exposed to light and air; this solution is then mixed with 200 ml. of a mixture of equal volumes of *glycerin* and *methyl alcohol*, allowed to stand for 6 weeks in a warm place exposed to light until the colour darkens, and is kept in a tightly-stoppered bottle.

Mallory's Stain is made by dissolving 0.5 gm. of *aniline blue*, 2 gm. of *orange G*, and 2 gm. of oxalic acid in 100 ml. of *water*.

Orange G is the disodium salt of 1-phenylazo-2-naphthol-6,8-disulphonic acid.

Phosphotungstic Acid is phosphotungstic acid of reagent purity.

Solution of Phosphotungstic Acid is a 1 per cent w/v solution of phosphotungstic acid in *water*.

Sodium Formate is sodium formate of reagent purity.

Solution of Sodium Hypochlorite is a freshly prepared solution made by dissolving 10.5 gm. of *sodium carbonate* in 25 ml. of *water*, mixing with the liquid obtained by thoroughly triturating 7 gm. of *chlorinated lime* with 75 ml of *water*, shaking frequently during 3 or 4 hours, and filtering.

PART D VITAMINS

Division 1

General

D.01.001. In this Part

(a) *vitamin* includes but is not limited to the following:¹

- (i) Vitamin A,
- (ii) Provitamin A,
- (iii) Thiamine, Vitamin B₁; salts of thiamine,
- (iv) Riboflavin,
- (v) Niacin,
- (vi) Niacinamide,
- (vii) Pyridoxine, Vitamin B₆,
- (viii) d-Pantothenic Acid; salts of d-Pantothenic Acid; d-Panthenol, d-Pantothenyl Alcohol,
- (ix) Folic Acid,
- (x) Biotin,
- (xi) Vitamin B₁₂, Cyanocobalamin; Cobalamin,
- (xii) Vitamin B Complex,
- (xiii) Ascorbic Acid, Vitamin C,
- (xiv) Vitamin D,
- (xv) Vitamin E, and
- (xvi) Vitamin K,

¹ See D.03.003.

- (b) *vitamin product* means a food or drug for which mention of or claim for its vitamin content is made on the label or in an advertisement, and
- (c) *dietary supplement* means a vitamin product intended to be used for the prevention of conditions arising from vitamin deficiencies.

D.01.002. No person shall refer to, reproduce, or quote,

(a) on any label, or

(b) in any advertisement to the general public,

any testimonial regarding the action of any vitamin in any vitamin product in specific cases.

D.01.003. No person shall give assurances to the general public regarding results to be obtained from treatment by vitamin medication or from the addition of vitamins to the diet, on any label or in any advertisement.

D.01.004. Subject to these regulations, this PART does not apply to

(a) a vitamin product sold solely for veterinary use,² or

(b) a vitamin used solely for other than its physiological action.³

D.01.005. Except where the quantity of the contents marked on the package of a vitamin product is stated in terms of minimum weight, measure, or number, there shall be permitted from the stated quantity variations

(a) due exclusively to weighing, measuring, or counting, that occur in packaging conducted in compliance with good commercial practice and that shall be as often as much above as below the marked quantity.

(b) due exclusively to differences in the capacity of containers, resulting solely from unavoidable difficulties in manufacturing, and no greater variation shall be permitted because of the design of the containers than is permitted in the case of containers of similar capacity that can be manufactured so as to be of approximately uniform capacity, and

(c) in weight or measure that unavoidably result from the ordinary and customary exposure of the package to evaporation or to the absorption of water under normal atmospheric conditions.

D.01.006. Where a vitamin product is put up in individual dosage or dispensing form, other than in ampoules prepared ready for injection, the amount of each vitamin per individual dosage or dispensing form shall be not less than 95 per cent of the amount declared on the label and shall be as often as much above as below the marked quantity.

D.01.007. No person shall sell a vitamin product put up in ampoules for parenteral use unless each ampoule thereof contains an excess volume not less than that prescribed in the following table

Declared Volume of Content	Excess for Mobile Solutions	Excess for Viscous Solutions
0.5 cc.....	0.10 cc.	0.12 cc.
1.0 cc.....	0.10 cc.	0.15 cc.
2.0 cc.....	0.15 cc.	0.25 cc.
5.0 cc.....	0.30 cc.	0.50 cc.
10.0 cc.....	0.50 cc.	0.70 cc.
20.0 cc.....	0.60 cc.	0.90 cc.
50.0 cc.....	1.00 cc.	1.50 cc.
100.0 cc.....	2.00 cc.	3.00 cc.

² See D.03.002.

³ See D.03.001.

Division 2

Limits of Vitamin Content, Claims

D.02.001. A vitamin product that is a food to which no vitamin has been added shall be deemed to be an excellent dietary source⁴ of any named vitamin where it contributes in a reasonable daily intake, as ordinarily consumed or prepared as directed on the label, not less than

- (a) 1,200 International Units of vitamin A,
- (b) 0.36 milligram of thiamine,
- (c) 0.5 milligram of riboflavin,
- (d) 6 milligrams of niacin,
- (e) 15 milligrams of ascorbic acid,
- (f) 320 International Units of vitamin D, or
- (g) an amount of vitamin B complex that will supply the following amounts of any three of the factors named
 - (i) 0.3 milligram of thiamine,
 - (ii) 0.3 milligram of riboflavin,
 - (iii) 1.5 milligrams of niacin,
 - (iv) 0.25 milligram of pyridoxine, or
 - (v) 0.5 milligram of d-pantothenic acid.

D.02.002. A vitamin product that is a food to which no vitamin has been added shall be deemed to be a good dietary source⁵ of any named vitamin where it contributes in a reasonable daily intake, as ordinarily consumed or prepared as directed on the label, not less than

- (a) 600 International Units of vitamin A,
- (b) 0.18 milligram of thiamine,
- (c) 0.25 milligram of riboflavin,
- (d) 3 milligrams of niacin,
- (e) 7.5 milligrams of ascorbic acid, or
- (f) an amount of vitamin B complex that will supply the following amounts of any three of the factors named
 - (i) 0.15 milligram of thiamine,
 - (ii) 0.15 milligram of riboflavin,
 - (iii) 0.8 milligram of niacin,
 - (iv) 0.15 milligram of pyridoxine, or
 - (v) 0.25 milligram of d-pantothenic acid.

D.02.003. No person shall add to a food a vitamin in an amount that will contribute in a reasonable daily intake more than

- (a) 5,000 International Units of vitamin A,
- (b) 2 milligrams of thiamine,
- (c) 2 milligrams of riboflavin,
- (d) 20 milligrams of niacin or niacinamide,
- (e) 75 milligrams of ascorbic acid, or
- (f) 800 International Units of vitamin D.

D.02.004. No person shall sell as containing a vitamin any vitamin product, except those defined in D.02.001 and D.02.002, unless such vitamin product contributes an amount of the vitamin, in the smallest recommended daily intake, where dosage is given, or otherwise in a reasonable daily intake, not less than

- (a) 2,000 International Units of vitamin A or provitamin A,
- (b) 0.6 milligram of thiamine,

⁴ See D.03.006 to D.03.008.

⁵ See D.03.009.

- (c) 0.8 milligram of riboflavin,
- (d) 6 milligrams of niacin or niacinamide,
- (e) 1 milligram of pyridoxine,
- (f) 5 milligrams of d-pantothenic acid or d-panthenol,
- (g) 2 milligrams of folic acid,
- (h) 25 milligrams of ascorbic acid,
- (i) 400 International Units of vitamin D,
- (j) 10 International Units of vitamin E⁶, or
- (k) an amount of vitamin B complex⁷ that will supply any three of the following factors in the amounts stated
 - (i) 0.4 milligram of riboflavin,
 - (ii) 2 milligrams of niacin,
 - (iii) 0.3 milligram of pyridoxine, or
 - (iv) 0.6 milligram of d-pantothenic acid.

D.02.005. Subject to the provisions of D.03.003, no person shall sell a vitamin product that is a drug or dietary supplement that furnishes in the largest recommended daily intake more than

- (a) 10,000 International Units of vitamin A or provitamin A,
- (b) 3 milligrams of thiamine,
- (c) 6 milligrams of riboflavin,
- (d) 30 milligrams of niacin or niacinamide,
- (e) any amount of folic acid,
- (f) any amount of vitamin B₁₂,
- (g) 100 milligrams of ascorbic acid,
- (h) 2,000 International Units of vitamin D,
- (i) 50 International Units of vitamin E, or
- (j) any amount of vitamin K⁸

unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the statement "NOTE: For Therapeutic Use Only",⁹ and such vitamin product shall not be advertised to the general public.

D.02.006. Notwithstanding the provisions of D.02.005, the statement "NOTE: For Therapeutic Use Only" shall not be required on the inner label of vitamin products put up in ampoules for parenteral use.

D.02.007. No person shall make any general claims based upon the vitamin content of a vitamin product other than within the following limitations, namely that vitamins

- (a) are necessary for the normal functioning of the body,
- (b) aid in growth,
- (c) may help to maintain appetite, and
- (d) may help to maintain normal resistance of the body to infection.

D.02.008. No person shall make any specific claims based upon the vitamin content of a vitamin product other than within the following limitations, namely

- (a) for vitamin A or provitamin A: that this vitamin is an essential for the maintenance of a healthy condition of the epithelium; that it is specific in the prevention and treatment of nutritional night blindness, or nyctalopia, of dietary origin; that it prevents, or relieves if not too far advanced, xerophthalmia due to vitamin A deficiency,
- (b) for thiamine: that this vitamin prevents or alleviates beriberi: that it protects against and aids in the treatment of neuritis due to thiamine

⁶ See D.03.016(c).

⁷ See D.03.016(b).

⁸ See D.03.016(d).

⁹ See D.03.003.

deficiency; that the need of the organism for thiamine is increased when metabolism is greatly augmented as it may be in pregnancy, fever, hyperthyroidism, and infectious diseases,

- (c) for riboflavin: that this vitamin is specific in the prevention and treatment of ariboflavinosis of dietary origin,
- (d) for niacin or niacinamide: that this vitamin is of value in the prevention and treatment of pellagra,
- (e) for vitamin B complex: that the combined action of the factors of the vitamin B complex aids in the utilization of foodstuffs, and its use is to be preferred to that of mixtures of the same amounts of the known factors of the complex,
- (f) for ascorbic acid: that this vitamin is specific in the prevention and treatment of scurvy; that it is a factor in the normal development and maintenance of the bones and cartilages, the teeth and gums; that the need of the organism for ascorbic acid is increased in fever, and
- (g) for vitamin D: that this vitamin is an essential in the prevention of rickets and in the normal development of bones and teeth; that the requirement for vitamin D is greatest in infancy and childhood, and during pregnancy and lactation.

Division 3

Labelling, Advertising

D.03.001. No person shall sell a food or a drug containing a vitamin that has been added solely for other than its physiological action, unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the proper chemical or common name of the added vitamin together with a statement of the purpose for which it is added, and no person shall use the word *vitamin* in connection with such food or drug in respect to the added vitamin, or make any claim for its physiological action.

D.03.002. No person shall sell a vitamin product intended solely for veterinary use unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the statement "For Veterinary Use Only".

D.03.003. No person shall sell a vitamin product containing a vitamin other than those named in paragraph (a) of D.01.001 unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the statement "For Experimental Use Only", and this statement shall be deemed to fulfil the requirements prescribed by D.02.005.

D.03.004. No person shall mention, on the label of or in an advertisement for a vitamin product, a vitamin by a name other than its proper name unless such other name is no larger and no more conspicuous than the proper name of such vitamin.

D.03.005. Subject to these regulations no person shall sell a vitamin product that is a food unless the label of every package thereof carries, legibly and conspicuously,

(a) on the main panel of both the inner and the outer labels

(i) the common name of the food,¹⁰

(ii) a declaration by name of Class II, Class III, and Class IV preservative,¹¹

(iii) a declaration of any added colour,¹² and

(iv) a declaration of added artificial, imitation, or fortified flavouring preparation,¹³ and

(b) on both the inner and the outer labels

(i) the name and address of the manufacturer, or of a person who is not the manufacturer, provided such person assumes the responsi-

¹⁰ See A.02.006.

¹¹ See B.16.001.

¹² See B.06.001.

bilities of the manufacturer and indicates in conjunction with his name and address that he is not the manufacturer, and

- (ii) in a food consisting of more than one ingredient, and for which a standard of quality is not prescribed and for which the permissible limits of variability are not fixed, a complete list of ingredients by their common names and in descending order of their respective proportions,¹⁴ and
- (c) on the outer label a statement of the net contents as required by paragraph (f) of section seven of the Act, and, when the net contents are expressed by number, an accompanying statement of the net weight of the unit making up the number, except in the case of a food that is graded as to size and such grade size is stated.

D.03.006. Subject to the limitations of D.02.001 and D.02.002, no person shall sell a vitamin product that is a food to which no vitamin has been added if the label bears any statement regarding the vitamin content of the food other than that it is "an excellent dietary source", or "a good dietary source", as the case may be, of any vitamin named.¹⁵

D.03.007. No person shall make any claim, on any label or in any advertisement, for the action of the vitamin content of foods that are labelled "an excellent dietary source" of the vitamin named, as prescribed by D.02.001, other than the general claims prescribed by D.02.007.

D.03.008. Notwithstanding the provisions of D.03.007, if the vitamin content of a food is not less than the minimal amounts prescribed by D.02.004, specific claims may be made as prescribed in D.02.008.

D.03.009. No person shall make any claim, on any label or in any advertisement, for the action of the vitamin content of foods that are labelled "a good dietary source" of the vitamin named as prescribed by D.02.002.

D.03.010. No person shall mention pyridoxine, d-pantothenic acid, folic acid, biotin, vitamin B₁₂, vitamin E, or vitamin K on a label or in an advertisement used in connection with any food.

D.03.011. No person shall sell a vitamin product that is a food to which has been added a vitamin and that is not intended for use as a dietary supplement unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the amount of the vitamin present expressed in

- (a) International Units per 100 grams or per 100 millilitres for vitamin A, provitamin A, vitamin D, and
- (b) milligrams per 100 grams or per 100 millilitres for thiamine, riboflavin, niacin, niacinamide, and ascorbic acid.^{15, 16}

D.03.012. Notwithstanding the provisions of D.03.011, no person shall sell a vitamin product that is a food to which has been added a vitamin, and that is packaged in unit containers containing less than 100 grams or 100 millilitres unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the amount of the vitamin present expressed in

- (a) International Units per package for vitamin A, provitamin A, vitamin D, and
- (b) milligrams per package for thiamine, riboflavin, niacin, niacinamide, and ascorbic acid.¹⁶

¹⁴ See B.10.002 to B.10.011.

¹⁵ See B.01.004.

¹⁵ See D.03.013.

¹⁶ See D.03.016.

D.03.013. Notwithstanding the provisions of D.03.006 and D.03.011 a vitamin product that is a food used solely for the feeding of children under two years of age may be labelled to show its vitamin content in terms of the specified units per ounce.

D.03.014. Subject to these regulations no person shall sell a vitamin product that is a drug unless the label of every package thereof carries, legibly and conspicuously,

- (a) on the main panel of both the inner and the outer labels
 - (i) the proper name¹⁷; except that where the authority for the proper name is not these regulations or the British Pharmacopoeia such authority shall be named and, where there is a proprietary or brand name, such proper name shall immediately follow or precede the said proprietary or brand name in type of not less than half the size thereof, or
 - (ii) if there is no proper name, the common name¹⁸,
- (b) on both the inner and the outer labels
 - (i) the name of the manufacturer or distributor,
 - (ii) the address of the manufacturer or distributor, except upon the inner label where the immediate container contains 2 millilitres or less,
 - (iii) the lot number¹⁹ of a drug manufactured for parenteral use,
 - (iv) a complete list of medicinal ingredients contained in the drug, the proper or the common name of each being used, except upon
 - (1) shipping cases or wrapping material,
 - (2) official drugs,²⁰
 - (3) drugs sold on prescription, or
 - (4) medicine registered under the Proprietary or Patent Medicine Act,
 - (v) a statement of the amount of each vitamin present²¹ expressed
 - (1) in International Units per gram or per millilitre for vitamin A, provitamin A, vitamin D, and vitamin E,
 - (2) in milligrams per gram in the case of solids or viscous liquids, or per millilitre in the case of other liquids, for thiamine, riboflavin, niacin, niacinamide, pyridoxine, d-pantothenic acid, folic acid, ascorbic acid, vitamin K and substances having vitamin K activity,
 - (3) in micrograms per gram in the case of solids or viscous liquids or per millilitre in the case of other liquids for biotin and vitamin B¹², or
 - (4) in terms of the specified units per individual dosage or dispensing form, for vitamin products put up in individual dosage or dispensing form, and
 - (vi) adequate directions for use, and
- (c) on the outer label
 - (i) a statement of the net contents as required by paragraph (f) of section seven of the Act, and
 - (ii) the name and proportion of any preservative present in a drug manufactured for parenteral use.

D.03.015. The inner and the outer labels of packages containing the vitamin products referred to in D.03.011, D.03.012, and D.03.014 may carry an additional statement of the vitamin content expressed in any other measure, but such additional statement shall not be more prominent than the respective statements prescribed by D.03.011, D.03.012, or D.03.014 (b) (v).

¹⁷ See A.02.007.

¹⁸ See A.02.006.

¹⁹ The lot number should be preceded by the words "Lot Number", or by "Lot No.", "Lot", or "(L)".

²⁰ See A.02.015.

²¹ See D.03.015.

D.03.016. No person shall sell a vitamin product that is a drug or dietary supplement represented as containing

(a) provitamin A unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement to show the nature of the provitamin A, that is alpha-carotene, beta-carotene, gamma-carotene, or crypto-xanthine, and mixtures of vitamin A and provitamin A shall show the proportions of each,

(b) vitamin B complex unless

(i) the vitamin B complex be obtained from natural sources, and

(ii) both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the source of the vitamin B complex and the amount present per gram, per millilitre, or per individual dosage form as the case may be in the following manner: "Vitamin B Complex as derived from (naming the number) grams of (naming the source)",

(c) vitamin E unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the source and form of the active material,

(d) vitamin K activity unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the name and amount of the active material, and its equivalent in terms of the activity of menadione (2-methyl-1,4-naphthoquinone), or

(e) vitamin B₁₂ activity unless the label states the source of the vitamin B₁₂ activity and the potency in terms of

(i) micrograms of cyanocobalamin in the case of products containing crystalline cyanocobalamin, or

(ii) the equivalence of cyanocobalamin activity and the assay method by which it was determined in the case of other products.

D.03.017. Subject to these regulations, no person shall sell a vitamin product that is a drug or dietary supplement represented as containing d-pantothenic acid, biotin, or vitamin E unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the statement "The significance of these vitamins (or naming the vitamins) in human nutrition is not yet established".

D.03.018. The provisions of D.03.017 do not apply to

(a) vitamin E in a drug or dietary supplement in which the amount of vitamin E in the minimum recommended daily dose is more than 50 International Units, or

(b) the inner label of vitamin products put up in ampoules for parenteral use.

D.03.019. No person shall make any claim

(a) on a label, or

(b) in an advertisement to the general public

for the action of pyridoxine, d-pantothenic acid, folic acid, biotin, vitamin B₁₂, vitamin E, or vitamin K.

PART E
COSMETICS

- E.01.001.** No person shall sell a cosmetic unless the label of every package thereof carries, legibly and conspicuously,
- (a) on both the inner and the outer labels
 - (i) the name, if any, of the cosmetic, and the description of the cosmetic if necessary for the identification thereof,
 - (ii) the name and address of the manufacturer or distributor, and where a manufacturer or distributor has more than one place of business the address of such manufacturer or distributor for the purpose of these regulations shall be that of his head office or principal place of business, and the address of any branch places of business may be printed on the label, provided that the type used in the printing thereof shall not be larger than that used for printing the address of such head office or principal place of business, and
 - (iii) any warning or caution required by these regulations to be placed on both the inner and the outer labels,
 - (b) on the outer label a declaration of net content expressed in terms of
 - (i) weight for solids,
 - (ii) fluid measure for liquids, or
 - (iii) weight for semi-solids except that fluid measure may be used if such usage exists and gives accurate information in respect of the net contents,combined with numerical count if called for by the subdivision of the contents, and
 - (c) on the inner label
 - (i) adequate directions for safe use, and
 - (ii) any warning, caution or special direction required by these regulations to be placed on the inner label.
- E.01.002.** No special emphasis shall be placed on any ingredient of a cosmetic on any label or in any advertisement unless that ingredient is present in the cosmetic in sufficient proportions to justify the claims made for such ingredient.
- E.01.003.** No person shall sell a cosmetic for which remedial properties are claimed unless such claims are limited to the treatment or prevention of mild functional disorders of the skin, hair and scalp.
- E.01.004.** No person shall sell any cosmetic that contains a harmful coal tar colour.
- E.01.005.** No person shall use in the manufacture of a cosmetic, a coal tar colour that contains more than
- (a) 2 parts per million of arsenic calculated as As_2O_3 ;
 - (b) 20 parts per million of lead calculated as lead;
 - (c) 100 parts per million of heavy metals other than lead calculated as the total of the respective metals,
- as determined by methods employed by the Food and Drug Laboratories.
- E.01.006.** A manufacturer of any cosmetic shall furnish on request of the Chief Dominion Analyst adequate samples of any coal tar colour used by him.
- E.01.007.** No person shall sell for use as eyebrow or eyelash dye any cosmetic that contains any coal tar dye, dye base, dye intermediate, or that contains silver nitrate in solution of greater strength than 5 per cent.
- E.01.008.** No person shall sell any hair dye that contains para-phenylene-diamine, or other coal tar dye base, or intermediate, unless the following legend appears legibly and conspicuously upon both the inner and outer labels:—

"WARNING—Entry of this preparation into the eye may cause blindness. Do not use it for eyebrows or eyelashes. Heed warning and instructions";

and legible and conspicuous directions for use to the following effect or in words of like import, shall accompany each immediate package:—

Caution—This preparation may cause serious inflammation of the skin in some persons and a preliminary test should always be carried out to determine whether or not special sensitivity exists. To make the test, cleanse a small area of skin behind the ear or upon the inner surface of the forearm, using either soap and water or alcohol. Apply a small quantity of the hair dye as prepared for use to the area and allow to dry. After twenty-four hours wash the area gently with soap and water. If no irritation or inflammation is apparent, it is usually assumed that no hypersensitivity to the dye exists. The test should, however, be carried out before each and every application. Do not on any account use for dyeing eyebrows or eyelashes as severe inflammation of the eye or even blindness may result.

E.01.009. No person shall use upon the label of or in any advertisement for any cosmetic the symbol Rx or any device to denote or imitate a prescription.

E.01.010. A manufacturer who in the course of compounding, finishing or packaging a cosmetic changes the composition of material imported from a country, district or other place of origin outside Canada other than by a simple dilution with a solvent, shall not, in naming or describing the cosmetic, employ in any form the name of such country, district or other place of origin, but may make a simple statement of fact regarding the nature and source of any of the ingredients used therein, including the extent of the operations carried out by him.

17. By adding to Appendix I the following:

R. W. Blount

R. Crisafio

APPENDIX I

Dominion Analysts

R. H. Allen
M. G. Allmark
J. C. Bartlet
E. J. Beverly
J. F. Blanchard
N. Bluman
W. M. Bridges
E. T. Bynoe
J. A. Campbell
D. G. Chapman
R. A. Chapman
L. G. Chatten
R. L. J. Clapin
E. W. Corck
Viateur Couture
W. A. Crandall
F. R. E. Davies
R. Delisle
F. M. Deschenes
E. L. Devlin
H. I. Edwards
M. H. Ewart
C. G. Farmilo
J. Gibbard
W. D. Graham
D. A. Gray
H. C. Grice
L. Greenberg
H. Haas
H. R. L. Hart
C. S. Hepburn
W. H. Hill
A. Hollett
P. E. Jean
L. E. Johnson
J. B. Jones

G. L. Kalbfleisch
R. R. Kimball
F. A. Kirby
A. E. Larner
L. Levi
F. Lu
J. D. Macdonald
L. B. MacIsaac
G. E. Mack
J. H. Mahon
R. G. McKelvie
J. M. McLaughlin
R. J. Mulherin
T. K. Murray
F. P. Nagler
M. Osadchuk
J. Ouellet
L. I. Pugsley
K. M. Render
B. Rousseau
J. St. Onge
L. E. Smith
W. D. Snair
N. R. Stephenson
F. J. Stevens
A. B. Swackhamer
R. Tardif
A. D. Tennant
F. S. Thatcher
J. L. Thomson
C. S. Tinsley
H. O. Tomlinson
J. P. Tremblay
H. A. Watson
E. F. Whyte
H. E. Woodward

APPENDIX II

Limits of Drug Dosage

Item	External Use Maximum Limit	Internal Use Maximum Dosage	
		Unless otherwise stated liquids are in minims and solids in grains	
	Per cent	Single	Daily
Acetanilide and derivatives.....		1	2
Acetylsalicylic Acid and its salts.....		15	45
Aconitine, its preparations and derivatives.....	0.2	1/660	1/660
Adonis vernalis.....		1	3
Amylocaine Hydrochloride.....	1.0	0.0	0.0
Antimony, compounds of.....		1/20	1/5
Arsenious Oxide.....		1/30	1/10
Atropine, Methylatropine, and their salts.....	1.0	1/500	1/150
Belladonna and its preparations, on the basis of belladonna alkaloids.....	0.375	1/500	1/150
Benzene (Benzol).....			
Benzocaine.....	8.0	3	9
Beta-Naphthol.....		3	9
Bromides, calculated as Sodium Bromide (not more often than every 3 hours).....		10	20
Butacaine Sulphate.....	1.0	0.0	0.0
Cantharides, Cantharidin and their preparations, on the basis of cantharidin.....	0.03	0.0	0.0
Cantharides, blisters only.....	0.2	0.0	0.0
Cedar Oil.....	25.0	0.0	0.0
Chlorbutol (not more often than every 4 hours).....		5	15
Cinchocaine Hydrochloride.....	1.0	0.0	0.0
Cinchocaine Hydrochloride, suppositories only.....		1/6	1/6
Colchicine and its salts.....		1/120	1/40
Colchicum and its preparations, on the basis of colchicine.....		1/240	1/80
Croton Oil.....	10.0	0.0	0.0
Cupric Arsenite.....		1/100	1/25
Ephedrine and its salts.....		1/6	1/2
Ephedrine and its salts, sprays.....	1.0		
Epinephrine and its salts, sprays.....	1.0		
Gelseminine (Gelsemine) and its salts (not to be repeated within 4 hours).....		1/120	1/40
Gelsemium and its preparations, on the basis of the crude drug.....		1/4	3/4
Hellebore, Black (Christmas Rose).....		0.0	0.0
Hellebore, Green and its preparations, on the basis of the crude drug.....		0.0	0.0
Hydrocyanic (Prussic) Acid as 2 per cent solution.....		1	5
Hyoscyne (Scopolamine) and its salts.....	0.5	1/200	3/200
Hyoscyamine and its salts.....		1/200	3/200
Hyoscyamus and its preparations, on the basis of hyoscyamus alkaloids.....		1/900	1/300
Iron Arsenate.....		1/30	1/10
Lobelia and its preparations, on the basis of the crude drug.....		2	6
Mercury and its compounds.....		2	6
Methylene Blue.....		2	6
Nux Vomica and its preparations, on the basis of strychnine.....		1/40	1/20
Penicillin, its salts and derivatives (in lozenges not exceeding 3,000 International Units per dose).....		0.0	0.0
Phenacetin.....		10	30
Phenazone and compounds thereof.....		5	15
Phenol.....	2.0	1/2	4
Phosphorus.....		0.0	0.0
Potassium Chlorate.....		5	15
Potassium Chlorate, gargle.....	2.5		
Procaine and its salts.....			

Food and Drug Regulations
Limits of Drug Dosage—Continued

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Item	External Use — Maximum Limit	Internal Use — Maximum Dosage	
		Unless otherwise stated liquids are in minims and solids in grains	
	Per cent	Single	Daily
Quinine Arsenate		1/15	1/5
S. Ignatius' Bean		1/2	1-1/2
Salicylamide		15	45
Santonin		1	2
Sodium Arsenate Anhydrous		1/50	3/50
Sodium Cacodylate		1/4	3/4
Sodium Chlorate		5	15
Sodium Methylarsenate		1/2	1-1/2
Squill and its preparations, on the basis of the crude drug		1/2	1-1/2
Stramonium and its preparations on the basis of stramonium alkaloids		1/400	1/100
Strychnine and its salts		1/40	1/20

It shall be permissible:—

- (a) to increase the dosage of drugs intended to be burned and the smoke inhaled to ten times the oral dose,
- (b) to increase the dosage of drugs exhibited as suppositories to $33\frac{1}{3}$ per cent in excess of the oral dose.

Where drugs having similar physiological actions occur in combination, the dosage of each shall be proportionately reduced.

NOTE: If doses are expressed in the metric system, 1 mg. may be regarded as the equivalent of 1/65 grain and 1 ml. as the equivalent of 17 minims.

APPENDIX III

Proper Names of Drugs

<i>Proper Names</i>	<i>Chemical Names and Synonyms</i>
Acetanilide: Acetanilid	Acetylaminobenzene: Antifebrin: Phenylacetamide
Aminoacetic Acid: Glycocol	Aminoacetic acid: Glycine
Aminopyrine	1, 5-dimethyl-2-phenyl-4-dimethylamino-3-pyrazolone: Dimethylaminophenazone
Amphetamine	β-aminopropylbenzene
Barbitone: Barbital	5, 5-diethylbarbituric acid: Diethylmalonylurea
Bromisoval	2-monobromoisovalerylurea: Bromisovalum: Bromvaletone
Caffeine	1, 3, 7-trimethyl-2, 6-dioxypurine
Carbromal	α-bromo-α-ethylbutyrylcarbamide
Chloramphenicol	D(-)-Threo-1- <i>p</i> -nitrophenyl-2-dichloroacetamido-1, 3-propanediol
Chloromethapyrilene Citrate	N,N-dimethyl-N'-(2-pyridyl)-N'-(5-chloro-2-thenyl)-ethylenediamine citrate: Chlorothen Citrate
Cinchocaine Hydrochloride	2-butoxy-N-(2-diethylaminoethyl) cinchoninamide hydrochloride: Dibucaine Hydrochloride
Cinchophen	2-phenylquinoline-4-carboxylic acid: Quinophan
Disulfiram	Tetraethylthiuram disulphide
Hexobarbitone: Hexobarbital	1, 5-dimethyl-Δ ¹ -cyclohexenyl barbituric acid
Iproniazid	1-isonicotinyl-2-isopropylhydrazide
Isoniazid	Isonicotinyl hydrazide
Mephenesin	3- <i>o</i> -toloxy-1, 2-propanediol
Mepyramine Maleate	N, N-dimethyl-N'-(<i>p</i> -methoxybenzyl)-N'-(2-pyridyl)-ethylenediamine maleate: Pyrillamine maleate
Mersalyl	Sodium [<i>o</i> (hydroxymercurimethoxypropyl-carbamyl) phenoxy] acetate
Methadone	6-dimethylamino-4, 4-diphenyl-3-heptanone
Methamphetamine	d-N, α-dimethylphenethylamine: d-desoxyephedrine
Oxtetracycline	an antibiotic substance obtained from <i>Streptomyces rimousus</i>
Paramethadione	3, 5-dimethyl-5-ethyl-2, 4-oxazolidinedione
Phenacetin	<i>p</i> -acetphenetidin: Acetphenetidin: Acetophenetidin: <i>p</i> -ethoxyacetanilid
Phenobarbitone: Phenobarbital	5-phenyl-5-ethylbarbituric acid: Phenylethylmalonylurea
Pholedrine	<i>p</i> -(4-hydroxyphenyl)-isopropylmethylamine
Procaine Hydrochloride	<i>p</i> -aminobenzoyldiethylaminoethanol hydrochloride: Ethocaine hydrochloride: Procaine
Soluble Barbitone:	
Barbitone Sodium:	
Soluble Barbital:	
Barbital Sodium	Sodium 5, 5-diethylbarbiturate: Sodium diethylmalonylurea
Soluble Phenobarbitone:	
Phenobarbitone Sodium:	
Phenobarbital Sodium:	
Soluble Phenobarbital	Sodium 5-phenyl-5-ethylbarbiturate: Sodium phenylethylmalonylurea
Soluble Thiopentone	Sodium 5-ethyl-5-(1-methylbutyl) thiobarbiturate

<i>Proper Names</i>	<i>Chemical Names and Synonyms</i>
Sulfamethazine	N ¹ -(4, 6-dimethyl-2-pyrimidyl) sulfanilamide: 2-(<i>p</i> -aminobenzenesulphonamide)-4, 6-dimethylpyrimidine
Sulfisoxazole	3, 4-dimethyl-5-sulfanilamido-isoxazole: Sulphafurazole
Thiopentone	5-ethyl-5-(1-methylbutyl) thiobarbituric acid
Trimethadione	3, 5, 5-trimethyl-2, 4-oxazolidinedione: Troxi- done

Appendix IV

Prescription Drugs

Amphetamine and any salt thereof
 Barbituric acid and any salt, homologue, or derivative thereof
 Bromal and the following derivatives: bromal hydrate, brometone, bromoform
 Carbromal and the following derivatives: acetylcarbromal, bromisoval, diethylbromacetamide, allylispropylacetylurea
 Chloral and the following derivatives: alpha-chloralose, chloralformamide, chloral hydrate, butyl chloral hydrate, chloralimide
 Disulfiram
 Methamphetamine and any salt thereof
 Paraldehyde and Metaldehyde
 Sulphonal and alkyl sulphonals

Appendix V

Aminopyrine and any salt, homologue or derivative thereof
 Antibiotics, the following:
 Aureomycin and any salt or derivative thereof
 Chloramphenicol
 Dihydrostreptomycin and any compound thereof
 Penicillin, its salts or derivatives or preparations thereof excluding lozenges that contain not more than 3,000 International Units per dose
 Polymyxin B Sulphate except for topical use or for local action in the oral cavity or nasal passages
 Streptomycin and any compound thereof
 Cinchophen and Neocinchophen
 Corticotrophin (ACTH)
 Cortisone and its salts
 2, 4-dinitrophenol and any compound, homologue or derivative thereof
 Ergot alkaloids
 Hydantoin derivatives
 Hydrocortisone and its salts
 Iproniazid
 Isoniazid
 Selenium and any compound thereof
 Sex Hormones (except skin creams containing sex hormones, which are demonstrated to be free from systemic effects)
 Sulphonamides and any salt, homologue, or derivative thereof
 Thiocyanates
 Thiouracil and any homologue, or derivative thereof
 Thyroid
 Thyroxin and any salt thereof
 Trimethadione and Paramethadione
 Urethane

INSPECTORS

OTTAWA, Ontario, 35 John Street, Supervisory Inspector, H. R. Hart.

Western Region

VANCOUVER, B.C., 325 Granville Street, Superintendent of Inspection Services, C. S. Hepburn; Food and Drug Inspectors, M. W. MacDonald, E. T. Ketcheson, E. L. Devlin.

- VICTORIA, B.C., 314 Post Office Building, Food and Drug Inspector, G. K. Beeston.
 NELSON, B.C., Room 205, 576 Baker Street, Food and Drug Inspector, A. J. Barker.
 EDMONTON, Alta., 404 Post Office Building, Food and Drug Inspector, J. L. Hollinshead.
 CALGARY, Alta., Customs Building, Food and Drug Inspector, H. Haas.

Western Central Region

- WINNIPEG, Man., Aragon Building, 244 Smith Street, Superintendent of Inspection Services, F. A. Kirby; Food and Drug Inspectors, R. J. Baker, K. N. Render.
 REGINA, Sask., 805 McCallum Hill Building, Food and Drug Inspector, F. E. Moynihan.
 SASKATOON, Sask., 505 Standard Trust Building, 22nd Street and 3rd Avenue, Food and Drug Inspector, S. C. Tanner.
 BRANDON, Man., Customs Building, Food and Drug Inspector, J. B. Ellingham.
 FORT WILLIAM, Ontario, Customs Building, Food and Drug Inspector, E. J. Reilly.

Central Region

- TORONTO, Ontario, 59 Victoria Street, Superintendent of Inspection Services, J. D. Macdonald; Food and Drug Inspectors, M. F. Johnstone, D. A. Gray.
 WINDSOR, Ontario, 137 Ouellette Avenue, Food and Drug Inspector, A. B. Swackhamer.
 LONDON, Ontario, P.O. Box 504, Room 417, Dominion Public Building, Food and Drug Inspector, E. B. Thurlow.
 KITCHENER, Ontario, Room 315, Dominion Public Building, Duke and Frederick Streets, Food and Drug Inspector, R. W. Peavoy.
 HAMILTON, Ontario, 42 James Street North, Lister Building, P.O. Box 22, Food and Drug Inspector, A. W. Cooke.
 SUDBURY, Ontario, Room 15, Sudbury Federal Building, Food and Drug Inspector, J. A. Hunter.
 BELLEVILLE, Ontario, P.O. Box 93, 121 Front Street, Food and Drug Inspector, W. L. Graydon.

East Central Region

- MONTREAL, Que., 379 Common Street, Superintendent of Inspection Services, J. St. Onge; Food and Drug Inspectors, F. M. Deschenes, A. O. Majeau, P. L. Mottet, R. Dufault.
 OTTAWA, Ontario, 35 John Street, Food and Drug Inspector, W. R. Moon.
 THREE RIVERS, P.Q., P.O. Box 93, Post Office Building, Food and Drug Inspector, G. L. Bellefeuille.
 SHERBROOKE, P.Q., Room 15, Whiting Block, 100 Wellington Street North, Food and Drug Inspector, J. A. Martin.
 QUEBEC, P.Q., P.O. Box 143, Customs Building, Station "B", Food and Drug Inspector, E. Martin.

Eastern Region

- HALIFAX, N.S., P.O. Box 605, Dominion Public Building, Superintendent of Inspection Services, R. R. Kimball; Food and Drug Inspector, R. G. McKelvie.
 SYDNEY, N.S., Naval Administration Building, Esplanade, Food and Drug Inspector, A. C. Scott.
 SAINT JOHN, N.B., 250 Prince William Street, Food and Drug Inspectors, H. T. C. Hutton, R. J. Mulherin.
 CHARLOTTETOWN, P.E.I., 100 Fitzroy Street, Food and Drug Inspector, A. A. Cantwell.
 ST. JOHN'S, Nfld., T. A. & B. Society Building, Duckworth Street, Food and Drug Inspector, H. S. Blackwood.

PART V

Texts of Related Federal Food and Drug Statutes and Regulations

AN ACT respecting Opium and Narcotic Drugs. R.S.C. 1952, c. 201.

Short Title

Short title.

1. This Act may be cited as *The Opium and Narcotic Drug Act 1929*, c. 49, s. 1.

Interpretation

Definitions.

2. In this Act, and in any order or regulation made hereunder,

"Dentist."

- (a) "dentist" means a person licensed and in good standing as such under the Act or ordinance governing the practice of dental surgery within the province or territory wherein is tendered any prescription or order for any drug bearing his signature;

"Department."

- (b) "Department" means the Department of National Health and Welfare;

"Dominion Analyst."

- (c) "Dominion Analyst" means any analyst designated for the purposes of this Act or of the *Food and Drugs Act*, or any other Dominion statute, and includes the Chief Dominion Analyst and the Assistant Chief Dominion Analyst;

"Drug" defined.

- (d) "drug" means and includes any substance mentioned in the Schedule whether or not the same is produced in whole or in part by a synthetic process, and whether it is alone or in conjunction with any other substance mentioned in the Schedule, or which may be added to such Schedule under the authority of this Act;

"Export" or "Exporting."

- (e) "export" or "exporting" means and includes the taking or conveying, or causing to be taken or conveyed, out of Canada of any drug;

"Imports" or "Imported."

- (f) "imports" or "imported" means and includes the bringing or conveying, or causing to be brought or conveyed, into Canada of any drug;

"Magistrate."

- (g) "magistrate" means and includes any judge of the sessions of the peace, recorder, police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate having the power or authority of two or more justices of the peace;

"Minister."

- (h) "Minister" means the Minister of National Health and Welfare;

"Opium" defined.

- (i) "opium" means and includes crude opium, powdered opium and opium wholly or partially prepared for any use or purpose, whatever its content of morphine may be;

"Physician."

- (j) "physician" means a person registered as a medical practitioner and in good standing under the Act or ordinance governing the practice of medicine and surgery within the province or territory wherein is tendered any prescription or order for any drug bearing his signature;

"Prepared opium" or "Smoking opium."

- (k) "prepared opium" or "smoking opium" means the product of raw opium, obtained by a series of special operations, especially by dissolving, boiling, roasting and fermentation, designed to transform it into an extract suitable for consumption; and "prepared opium" includes dross and all other residues remaining when opium has been smoked;

"Provincial analyst."

- (l) "provincial analyst" means any analyst appointed by the Government of any province and having authority to make any analysis for any public purpose;

"Retail druggist."

- (m) "retail druggist" means a person registered and licensed to carry on business as such, who is carrying on such business, or is in charge of a dispensary in any hospital, in the province in which such person is so licensed; and

"Veterinary surgeon."

- (n) "veterinary surgeon" means a person licensed and in good standing as such under the Act or ordinance governing the practice of veterinary surgery within the province or territory wherein is tendered any prescription or order for any drug bearing his signature. 1929, c. 49, s. 2; 1932, c. 20, ss. 1, 2; 1946, c. 11, ss. 1, 2.

Licences

Minister may issue licences, make regulations therefor and prescribe fees.

3. (1) With the approval of the Governor in Council, the Minister may
- (a) issue licences for the import, export, sale, manufacture, production and distribution at a stated place of any drug;
 - (b) name the ports or places in Canada where any drug may be exported or imported;
 - (c) prescribe the manner in which any drug is packed and marked for export;
 - (d) prescribe the record that shall be kept by any person in connection with the export, import, receipt, sale, disposal and distribution of the drug or drugs mentioned in the Schedule; and
 - (e) make all convenient and necessary regulations with respect to the issue and duration and the terms and forms of the several licences that may be issued hereunder and to the payment of fees for such licences.
- (2) Such fees shall not exceed,
- (a) For each exportation or importation, the sum of \$5;
 - (b) For each licence for a manufacturer or dealer other than a retail druggist, the sum of \$25; and
 - (c) For a licence for a retail druggist, who manufactures any drug, the sum of \$5;
- (3) No licence shall be granted to any person to import or export "prepared opium" or "smoking opium." 1929, c. 49, s. 3; 1938, c. 9, s. 1.

Offences and Penalties

4. (1) Every person who

Importing or exporting drug without licence.

- (a) imports into or exports from Canada any drug, or not being a common carrier, takes or carries, or causes to be taken or carried from any place in Canada to any other place in Canada, any drug without first obtaining a licence therefor from the Minister;

Importing or exporting at unauthorized port.

- (b) imports into or exports from Canada any drug at any port or place in Canada that has not been named by the Minister as a port or place into or from which any drug may be imported or exported;

Export of drug not packed, etc., as prescribed.

- (c) exports any raw opium or drug that is not packed and marked in such manner as may be prescribed by the Minister;

Unlawful possession.

- (d) has in his possession any drug save and except under the authority of a licence from the Minister first had and obtained, or other lawful authority;

Sale, etc., to minor.

- (e) unlawfully sells, gives away or administers any drug to any minor;

Manufacture, sale, etc., without licence.

- (f) manufactures, sells, gives away, delivers or distributes or makes any offer in respect of any drug, or any substance represented or held out by such person to be a drug, to any person without first obtaining a licence from the Minister, or without other lawful authority; or

Opium poppy or Cannabis Sativa, cultivation, etc.

- (g) cultivates, gathers or produces any opium poppy (*Papaver Somniferum*) or *Cannabis Sativa*, except under the authority of a licence from the Minister first had and obtained;

is guilty of an offence, and is liable

Penalty.

- (i) upon indictment, to imprisonment for any term not exceeding seven years and not less than six months, and to a fine not exceeding one thousand dollars and not less than two hundred dollars, and, in addition, at the discretion of the judge, to be whipped; or
- (ii) upon summary conviction, to imprisonment with or without hard labour for any term not exceeding eighteen months and not less than six months, and to a fine not exceeding one thousand dollars and not less than two hundred dollars.

Court shall not impose less than minimum penalties.

(2) Notwithstanding the provisions of the *Criminal Code*, or of any other statute or law, the court has no power to impose less than the minimum penalties herein prescribed, and shall, in all cases of conviction, impose both fine and imprisonment; and any person who commits an offence under paragraph (e) of subsection (1) shall be proceeded against by indictment, and not summarily. 1929, c. 49, s. 4; 1938, c. 9, ss. 2, 3; 1946, c. 11, s. 3.

Persons to whom drugs may be sold. A written order required in all cases. Penalty.

5. Except as provided in section 8, every person licensed under this Act to deal in any drug, who gives, sells or furnishes any drug to any person, other than a duly authorized and practising physician, veterinary surgeon or dentist, or to a *bona fide* wholesale druggist, or to a retail druggist, or who gives, sells or furnishes any drug to any such physician, veterinary surgeon, dentist, whole-

sale or retail druggist, without a written order therefor, signed and dated, and any retail druggist who gives, sells or furnishes any drug to any person, except upon a written order or prescription signed and dated by a physician, veterinary surgeon or dentist whose signature is known to the said druggist or if unknown duly verified before such order or prescription is filled, or who uses any prescription to sell any drug on more than one occasion, is guilty of an offence, and is liable upon summary conviction to a fine not exceeding one thousand dollars and not less than two hundred dollars, or to imprisonment for a term not exceeding eighteen months, or to both fine and imprisonment. 1929, c. 49, s. 5

Unlawful for physician, veterinary surgeon or dentist to prescribe, give or sell drug except for medicinal purposes. Penalty.

6. (1) Every physician who prescribes, administers, gives, sells or furnishes any drug to any person, or who signs any prescription or order for the filling of which any drug is required, unless such drug is required for medicinal purposes, or is prescribed for the medical treatment of a person who is under professional treatment by such physician, and any dentist or veterinary surgeon who prescribes, administers, gives, sells or furnishes any drug to any person, or who signs any prescription or order for the filling of which any drug is required, unless such drug is required for medicinal purposes in connection with his practice as a dentist or veterinary surgeon, is guilty of an offence, and is liable upon indictment to imprisonment for any term not exceeding five years and not less than three months, or upon summary conviction to a fine not exceeding one thousand dollars and not less than two hundred dollars, or to imprisonment with or without hard labour for a term not exceeding eighteen months, or to both fine and imprisonment.

Court shall not impose less than minimum penalties.

(2) Notwithstanding the provisions of the *Criminal Code*, or of any other statute or law, the court has no power to impose less than the minimum penalties herein prescribed. 1929, c. 49, s. 6.

Physicians, etc., excepted but must make prescribed declaration.

7. The provisions of paragraphs (a), other than those relating to importation into or exportation from Canada of any drug, (d) and (f) of subsection (1) of section 4 and of section 13 do not apply to a physician, veterinary surgeon, dentist, or retail druggist who does not manufacture any drug; but every physician, veterinary surgeon, dentist and retail druggist, shall make to the Minister, as and when required, a declaration in the prescribed form, stating that he is engaged in the sale or distribution of opium, morphine, cocaine, and their respective salts or derivatives, or otherwise, as the case may be. 1929, c. 49, s. 7.

8. (1) Notwithstanding the provisions of paragraphs (d), (e) and (f) of subsection (1) of section 4 and of sections 5, 6 and 7,

Preparations excepted.

(a) any retail druggist may have in possession or may sell or distribute preparations containing one-eighth grain or less of codeine per tablet or other solid form, or liquid preparations containing one-third grain or less of codeine per fluid ounce, when such preparations are combined with other medicinal ingredients and the maximum dose prescribed for the preparation contains

(i) one such ingredient not less in quantity than the amount prescribed by the British Pharmacopoeia as a minimum dose for such ingredient,

(ii) two such ingredients having a similar action, each not less in quantity than one-half the amount prescribed by the British Pharmacopoeia as a minimum dose for each such ingredient respectively, or

- (iii) three such ingredients having a similar action each not less in quantity than one-third the amount prescribed by the British Pharmacopeia as a minimum dose for each such ingredient respectively; and

Formula or true list of ingredients to be printed on label.

- (b) no retail druggist shall sell, or offer for sale except pursuant to direction of a physician, any preparation referred to in paragraph (a) unless there is printed in a conspicuous place on an inseparable part of the main panel of the label and wrapper of the bottle, box, or other container, and in letters of the same size and visibility as the directions for the use of the preparation, the full formula or true list of medicinal ingredients, and the following words: "It is unlawful to administer this preparation to a child under two years of age as it contains codeine and is dangerous to its life."

Sale for administration to child under two years of age.

(2) No person except a physician shall sell for administration to a child under two years of age, or administer to any such child any preparation containing codeine, the sale of which is permitted by this section.

Penalty.

(3) Any person violating the provisions of this section is liable upon summary conviction to a fine not exceeding one hundred dollars, for the first offence; for each subsequent offence to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

Proprietary or Patent Medicine Act.

(4) Nothing in this section repeals or affects any of the provisions of the *Proprietary or Patent Medicine Act*, 1929, c. 49, s. 8; 1946, c. 11, ss. 4, 5.

9. (1) Any person who

Neglect to keep records.

- (a) manufactures, imports or exports any drug mentioned in the Schedule or sells or distributes any drug mentioned therein, and neglects or refuses to keep the record required by any regulation made under this Act; or

Neglect to furnish information. Penalty.

- (b) neglects or refuses to produce such record for inspection at the request of any peace officer or any person authorized to inspect the same by the Minister or to furnish to the Department any information required by the Department;

is guilty of an offence, and is liable, upon summary conviction, to a fine not exceeding one thousand dollars and not less than two hundred dollars, or to imprisonment for any term not exceeding eighteen months, or to both fine and imprisonment.

Physicians, veterinary surgeons and dentists not required to keep record but must furnish information on request.

(2) The foregoing provisions of this section do not apply to a duly authorized and practising physician, veterinary surgeon or dentist, but every such physician, veterinary surgeon or dentist, shall on request furnish the Minister with any information that he may require under any regulation made under this Act with respect to the drugs received, dispensed, prescribed, given away or distributed by such physician, veterinary surgeon or dentist.

Penalty for neglect or refusal.

(3) Any physician, veterinary surgeon, dentist or retail druggist who neglects or refuses to make the declaration required by section 7 in the prescribed form, and any physician, veterinary surgeon or dentist who neglects or refuses

to furnish any information required by the Minister under this section, is guilty of an offence and liable on summary conviction to the penalties provided in subsection (1). 1929, c. 49, s. 9; 1938, c. 9, s. 4.

Being supplied with drugs or prescription by two or more physicians at same time.
Penalty.

10. Every person who, in the course of treatment, is supplied with drugs or a prescription therefor by the treating physician and who, without disclosing the fact to such physician, is supplied during such treatment with drugs or a prescription therefor by another physician, is guilty of an offence and is liable upon summary conviction to a fine not exceeding fifty dollars. 1929, c. 49, s. 10.

Possession of opium pipes, opium lamps, or other device, without permit, forbidden.

11. (1) No person shall, without lawful authority or without a permit signed by the Minister or some person authorized by him in that behalf, import or have in his possession any opium pipe, opium lamp, or other device or apparatus designed or generally used for the purpose of preparing opium for smoking, or smoking or inhaling opium, or any article capable of being used as or as part of any such pipe, lamp or other device or apparatus.

Penalty.

(2) Any person violating the provisions of this section is liable, upon summary conviction, to a fine not exceeding one hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment. 1929, c. 49, s. 11.

12. Every person who

Smoking opium.

(a) smokes opium; or

Being in opium resort. Penalty.

(b) without lawful and reasonable excuse, is found in any house, room or place to which persons resort for the purpose of smoking or inhaling opium;

is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment. 1929, c. 49, s. 12.

Enclosing drugs in a letter, etc.

13. (1) Every person who encloses in or with any letter, packet or other mailable matter sent by post, or puts into any post office, any drug is guilty of an offence and is liable

Penalty.

(a) upon indictment, to imprisonment for any term not exceeding seven years and not less than six months, and to a fine not exceeding one thousand dollars and not less than two hundred dollars; or

(b) upon summary conviction, to imprisonment with or without hard labour for any term not exceeding eighteen months and not less than six months, and to a fine not exceeding one thousand dollars and not less than two hundred dollars.

Evidence.

(2) In any prosecution under this section an affidavit of the postmaster or assistant postmaster in charge of any post office at which such drug was mailed, or to or through which it was sent by mail, is sufficient proof of the fact that such drug was enclosed in or with any letter, packet or other mailable matter sent by post, or was put into, transmitted through or received at such post office.

Exception.

(3) Notwithstanding the provisions of subsection (1) any licensed wholesale druggist may forward by post any preparation or remedy of which the sale by a retail druggist is permitted by subsection (1) of section 8 and may forward by registered post any drug. 1929, c. 49, s. 13.

Liable to imprisonment for non-payment of fine.

14. Where any person is convicted of an offence or an indictable offence under this Act, other than the offence under section 10, and the conviction adjudges payment of a fine, the sentence shall direct that in default of payment of the fine, the person so convicted shall be imprisoned until such fine, and any costs imposed by the said sentence, are paid or for a period not exceeding twelve months, to commence at the end of the term of imprisonment awarded by the sentence or forthwith as the case may require. 1929, c. 49, s. 14.

Onus of proof on charge of importing, exporting, manufacturing, selling, etc., without licence.

15. Where any person is charged with an offence under paragraph (a), (d), (e), (f), or (g) of subsection (1) of section 4, it is not necessary for the prosecuting authority to establish that the accused had not a licence from the Minister or was not otherwise authorized to commit the act complained of, and if the accused pleads or alleges that he had such licence or other authority the burden of proof thereof shall be upon the person so charged. 1946, c. 11, s. 6.

Burden of proof on pleas of medicinal purposes or medical treatment.

16. (1) If any person charged with an offence under section 6 pleads or alleges that the drug in question was required for medicinal purposes, or was prescribed for the medical treatment of a person under professional treatment by the accused, or was required for medicinal purposes in connection with his practice as a dentist or veterinary surgeon, as the case may be, the burden of proof thereof shall be upon the person so charged.

Burden of proof and defence.

(2) It is no defence to a physician charged with an offence under section 6 that he did give, sell, furnish or prescribe any drug to an habitual user for self-administration, unless such habitual user was suffering from a diseased condition caused otherwise than by excessive use of any drug. 1929, c. 49, s. 16.

Burden of proof on charge of unlawful possession against persons occupying or in possession of premises, etc., where drug is found.

17. Without limiting the generality of paragraph (d) of subsection (1) of section 4, any person who occupies, controls or is in possession of any building, room, vessel, vehicle, enclosure or place, in or upon which any drug or any article mentioned in Section 11 is found, shall, if charged with having such drug or article in possession without lawful authority, be deemed to have been so in possession unless he prove that the drug or article was there without his authority, knowledge or consent, or that he was lawfully entitled to the possession thereof. 1938, c. 9, s. 5.

GENERAL

Certificate of Dominion or provincial analyst evidence of facts stated in certificate.

18. In any prosecution under this Act a certificate as to the analysis of any drug or drugs signed or purporting to be signed by a Dominion or provincial Analyst shall be *prima facie* evidence of the facts stated in such certificate and conclusive evidence of the authority of the person giving or making the same without any proof of appointment or signature. 1929, c. 49, s. 18.

Power of peace officer to search for drugs.

19. (1) Any constable or other peace officer who has reasonable cause to suspect that any drug is kept or concealed for any purpose contrary to this Act, in any store, shop, warehouse, outhouse, garden, yard, vessel, vehicle or

other place, may search by day or night any such place for such drug, and if necessary, by force, may search any person there found, and, if such drug is there found bring it before a magistrate having jurisdiction in the matter; if any opium pipe, opium lamp or other device or apparatus designed or generally used for the purpose of preparing opium for smoking or smoking or inhaling opium or any article capable of being used as or as part of any such pipe, lamp or other device or apparatus is there and then found the same shall also be brought before the magistrate.

Magistrate may grant warrant to search for drugs.

(2) Where it is proved upon oath before any magistrate that there is reasonable cause to suspect that any drug is kept or concealed for any purpose contrary to this Act in any dwelling-house, such magistrate may grant a warrant to search by day or night any such place for such drug, and if such drug is there found, to bring it before him; if any opium pipe, opium lamp or other device or apparatus designed or generally used for the purpose of preparing opium for smoking or smoking or inhaling opium or any article capable of being used as or as part of any such pipe, lamp or other device or apparatus is there and then found the same shall also be brought before the magistrate.

Drugs to be delivered to the Minister.

(3) Any opium pipe or other article mentioned in subsection (1) or (2) and any drug or drugs so found under this section shall, unless otherwise required, be delivered by the magistrate to the Minister and shall at the expiration of three months from such finding be forfeited to Her Majesty and shall be disposed of as the Minister may direct, unless within the said period of three months it is established to the satisfaction of the court that no offence has been committed in connection therewith. 1929, c. 49, s. 19.

Drugs seized forfeited unless it is established that no offence was committed in connection therewith.

20. Any opium pipe or other article referred to in section 19 and any drug seized under the provisions of this Act, or found, shall, at the expiration of three months from such seizure or finding, be forfeited to Her Majesty and delivered to the Minister to be disposed of as he may direct, unless within the said period of three months it is established to the satisfaction of the court that no offence has been committed in connection therewith; but the provisions of the *Customs Act* shall apply to any drug unlawfully imported into Canada. 1932, c. 20, s. 5.

Forfeiture of drugs, vehicles, moneys, etc., on conviction.

21. When any person is convicted of an offence against this Act, the opium pipe or other article or the drug in respect of which the offence was committed and all receptacles of any kind whatsoever found containing the same, and any vehicle, motor car, automobile, boat, canoe, aeroplane or conveyance of any description, proved to have contained such opium pipe or other article or drug or to have been used in any manner in connection with the offence for which such person has been so convicted, and any moneys used for the purchase of such drug, shall be forfeited to Her Majesty, and shall be delivered to the Minister for disposition. 1929, c. 49, s. 21.

Judge to grant writ of assistance.

22. A judge of the Exchequer Court of Canada, or any judge of any of the superior courts in any province of Canada having jurisdiction in the province or place where the application is made, shall grant a writ of assistance upon application made to him for that purpose by Her Majesty's Attorney General of Canada, or by the Minister of National Health and Welfare or his Deputy, to any person named in such application. 1946, c. 11, s. 7.

Regulations.

23. (1) The Governor in Council may make such orders and regulations as are deemed necessary or expedient for carrying out the intention of this

Act; for the seizure of any opium pipe or other article or drug that there is reason to believe is liable to forfeiture under this Act; for the use or sale of any drug for scientific purposes, and for the revocation of licences.

Analysts.

(2) The Governor in Council may, from time to time, designate duly qualified analysts for the purposes of this Act. 1929, c. 49, s. 23.

Additions to schedule. Publication.

24. The Governor in Council may, from time to time, add to or subtract from the Schedule any alkaloids, derivatives or preparations of drugs or similar synthetic preparations, the inclusion or exclusion of which is by him deemed necessary in the public interest. 1938, c. 9, s. 6; 1950, c. 50, s. 10.

Except in cases tried before two justices, no appeals in cases taken under section 4(1), (a), (d), (e) and (f).

25. Except in cases tried before two justices of the peace, sections 749 to 760, inclusive, and subsection (2) of section 769 of the *Criminal Code* do not apply to any conviction, order or proceedings in respect of any offence under paragraphs (a), (d), (e) and (f) of subsection (1) of section 4 of this Act. 1929, c. 49, s. 25.

Convicted alien subject to deportation.

26. Notwithstanding any provision of the *Immigration Act*, or any other statute, any alien, whether domiciled in Canada or not, who at any time after his entry into Canada is convicted of an offence under paragraph (a), (d), (e) or (f) of subsection (1) of section 4, shall, upon the expiration or sooner determination of the imprisonment imposed on such conviction, be kept in custody and deported in accordance with the provisions of the *Immigration Act* relating to enquiry, detention and deportation. 1929, c. 49, s. 26.

Identification of Criminals Act.

27. The provisions of the *Identification of Criminals Act* apply to any person in lawful custody charged with, or under conviction of, an offence under paragraph (a), (d), (e) or (f) of subsection (1) of section 4, where the proceedings are by way of summary conviction. 1929, c. 49, s. 27.

SCHEDULE

(1) Opium or its preparations, or any opium alkaloids, or their derivatives, or salts or preparations of opium alkaloids or their derivatives, but not including apomorphine;

(2) Coca leaf, crude cocaine, or their preparations, or any coca alkaloids or their derivatives, or salts or preparations of coca alkaloids or their derivatives;

(3) Cannabis Sativa and its preparations;

(4) Eucaïne or any salts or compounds thereof;

And without in any way limiting the generality of paragraphs (1), (2), (3), and (4),

(5) Morphine, its derivatives, or any salts or compounds thereof, but not including apomorphine;

(6) Diacetylmorphine and the other esters of morphine and their salts;

(7) Dihydrohydroxycodine (of which the substance registered under the name of eucodal is a salt),

Dihydrocodeinone (of which the substance registered under the name of dicodide is a salt),

Dihydromorphinone (of which the substance registered under the name of dilauidide is a salt),

Acetyldihydrocodeinone or acetyldemethylodihydrothebaine (of which the substance registered under the name of acedicone is a salt),

Dihydromorphine (of which the substance registered under the name of paramorfan is a salt),

Their esters and the salts of any of these substances and of their esters.

Morphine-N-oxide (registered trade name genomorphine), the morphine-N-oxide derivatives, and the other pentavalent nitrogen morphine derivatives;

(8) Ecgonine, thebaine and their salts, benzylmorphine and the other ethers of morphine, and their salts;

(9) Desomorphine (Dihydrodesoxymorphine);

(10) Ethyl 1-Methyl-4-Phenylpiperidine-4-Carboxylate, commonly known as Demerol, Dolantin, Pethidine, Isonipeccaine, Meperidine, and all derivatives thereof, or similar synthetic preparations, for example, alpha-1, 3-dimethyl-4-phenyl-4-propionoxy-piperidine also known as Nisentil, and 4-(3'-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone, also known as ketobemidone, and all derivatives thereof;

(11) Methylmorphine (codeine) and its salts;

(12) Dihydrocodeine (Paracodeine);

(13) 4-4-Diphenyl-6-Dimethylamino-Heptanone-3, commonly known as Methadone, Amidone, Physeptone, Dolophine, Turanone, and all derivatives thereof, or similar synthetic preparations, for example, 4, 4-diphenyl-6-morpholinylheptanone-3 hydrochloride, also known as Heptalgin, and 4, 4-diphenyl-6-piperidiny-5-methylhexanone-3 hydrochloride, also known as pipidone, and all derivatives thereof;

(14) Synthetic Phenanthrene Alkaloids, under whatever name they may be manufactured, sold or offered for sale, as for example

Morphinan

N-methylmorphinan,

d1-3-hydroxy-N-methylmorphinan, commonly known

as methorphan (of which the substance registered under the name of Dromoran is a salt), and all derivatives thereof. 1940, c. 11, s. 9: Orders in Council P.C. 3751, Sept. 17, 1947; P.C. 1578, Mar. 28, 1950; P.C. 5492, Oct. 13, 1951.

REGULATIONS

P.C. 3104

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of July, 1946.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General, on the recommendation of the Minister of National Health and Welfare, and pursuant to the provisions of The Opium and Narcotic Drug Act, 1929, as amended by Chapter 11 of the Statutes of 1946, is pleased to order as follows:

1. The regulations established under The Opium and Narcotic Drug Act, 1929, by Order in Council of the 6th July, 1938 (P.C. 1538) are hereby revoked as of and from the first day of September, 1946.

2. The annexed regulations entitled "The Opium and Narcotic Drug Act Regulations" are hereby made and established, effective the first day of September, 1946, in the place and stead of the regulations hereby revoked.

The Opium and Narcotic Drug Act Regulations

1. In these Regulations, unless the context otherwise requires,
 - (a) "Act" means The Opium and Narcotic Drug Act, 1929;
 - (b) "Department" means the Department of National Health and Welfare;
 - (c) "Form" means and includes any form approved by the Minister.
2. An application for a licence for the sale, manufacture, production or distribution (other than by a retail druggist) of any drug mentioned in the Schedule to the Act, may be made to the Minister on Form M-1, and an application for a licence for a retail druggist to manufacture such drugs or preparations containing the same may be made to the Minister on Form M-2. Copies of these forms may be obtained on application to the above mentioned Department.
3. The following classes of licences may be granted upon payment of the fees hereinafter respectively set forth:
 - (1) A licence in Form M-3 or Form M-4, as the case may be, for each importation or exportation of any drug or drugs mentioned in the Schedule to the Act,
 - (a) where the value of the drug to be imported or exported exceeds \$25.00 \$ 5.00
 - (b) where the value of the drug to be imported or exported does not exceed \$25.00 no charge
 - (2) A licence in Form M-5 for a manufacturer or dealer, other than a retail druggist, to manufacture, distribute and sell any drug or drugs mentioned in the Schedule to the Act.... \$25.00
 - (3) A licence in Form M-7 for a retail druggist to manufacture any drug or drugs mentioned in the Schedule to the Act, or any preparations containing the same in accordance with the provisions of section eight of the Act \$ 5.00
 - (4) A licence in Form M-7A to cultivate, gather or produce Cannabis Sativa under such conditions as are prescribed therein \$25.00
4. Licences issued under these Regulations are subject to cancellation at the discretion of the Minister.
5. (1) Licences issued under subsection one of section three of these Regulations are valid only for the particular importation or exportation with respect to which they are issued.

- (2) Licences issued under subsections two, three and four of section three of these Regulations are valid for one year commencing on the first day of January and expiring on the thirty-first day of December next.
6. Any drug mentioned in the Schedule to the Act may be imported or entered at any of the following Canadian Ports, viz.: Charlottetown, P.E.I.; Halifax, N.S.; Saint John, N.B.; Quebec, P.Q.; Montreal, P.Q.; Ottawa, Ont.; Kingston, Ont.; Toronto, Ont.; Hamilton, Ont.; Windsor, Ont.; Walkerville, Ont.; London, Ont.; Winnipeg, Man.; Regina, Sask.; Calgary, Alta.; Vancouver, B.C.; Victoria, B.C.; and no person shall import or enter any drug through any other port or place in Canada.
 7. Any drug mentioned in the Schedule to the Act may be entered for export from Canada at any of the following Canadian Customs Ports, viz.: Sydney, N.S.; Halifax, N.S.; Saint John, N.B.; Quebec, P.Q.; Montreal, P.Q.; Highwater, P.Q.; Lacolle, P.Q.; Cornwall, Ont.; Windsor, Ont.; Walkerville, Ont.; Toronto, Ont.; Bridgeburg, Ont.; Sarnia, Ont.; Emerson, Man.; North Portal, Sask.; Vancouver, B.C.; Victoria, B.C.; and no person shall export any drug through any other port or place in Canada.
 8. Raw Opium, or any drug mentioned in the Schedule to the Act, intended for exportation from Canada, shall be securely packed, and such package shall be sealed in such a manner as to prevent the contents of the package being opened without the seals being broken, and every such package containing such drug shall bear on the outside wrapper and in a conspicuous place, the following inscription, "THIS PACKAGE CONTAINS (Insert Name of Drug)."
 9. (1) Every manufacturer or dealer licensed under this Act shall, in a suitable book kept for such purpose, make and preserve a record,
 - (a) of the name and quantity of any drug mentioned in the Schedule to the Act that he receives, the date of receiving such drug, and the name and address of the person from whom the same was received, in accordance with Form M-8;
 - (b) of the name and quantity of such drug used for manufacturing, and the name and quantity of the article or preparation manufactured in whole or in part from such drug, in accordance with Form M-9; and
 - (c) the name and the address of the person to whom he gives, sells or furnishes any drug mentioned in the Schedule to the Act, the date of such sale and the name and the quantity of such drug, and the form in which sold, in accordance with Form M-10.
 (2) All such records shall be so kept that the quantity of drug or drugs on hand at the end of each calendar month shall be therein shown.
 10. Every retail druggist carrying on a business in a bona fide shop or store
 - (a) shall, in respect of each shop or store in which he carries on such business, make and preserve a record in a suitable book kept for such purpose, of the name and the quantity of any drug mentioned in the Schedule to the Act that he receives, the date of receiving such drug and the name and address of the person from whom such drug was received, in accordance with Form M-11;
 - (b) shall, except when requiring access to such drugs for the purposes of his said business, keep such drug (except the preparations mentioned in section eight of the Act) securely under lock and key;
 - (c) shall not furnish any quantity of such drugs to any other shop or store;
 - (d) shall, if he is licensed under the Act to manufacture any drug mentioned in the Schedule to the Act or any preparation containing any of the said drugs, keep a record of the name and quantity of the said drugs used for manufacturing, and the name and quantity of the article or preparation manufactured in whole or in part from any of the said

drugs, in accordance with Form M-9; and, except with respect to a preparation mentioned in section eight of the Act, shall keep a record of the name and address of the physician, veterinary surgeon or dentist to whom he gives, sells or furnishes any drug or preparation so manufactured, the date of such giving, selling or furnishing and the name and quantity of the drug or preparation so given, sold or furnished;

- (e) shall, whenever he gives, sells or furnishes any drug mentioned in the Schedule to the Act (other than a preparation mentioned in section eight of the Act) upon a written order or prescription signed by a duly authorized and practising physician, veterinary surgeon or dentist, keep a record of the name and address of the physician, veterinary surgeon or dentist who signed such order or prescription, the date of filling such order or prescription, the name and address of the person for whose use the order or prescription was granted, the name of the drug and the quantity furnished on such order or prescription, and the signature of the person making the entry, in accordance with Form M-12;
 - (f) shall, if he carries on a business at more than one set of premises, make and preserve, with respect to each such set of premises, the records required by this section to be made and preserved, in separate and suitable books kept for such purposes, and each such record shall be kept in some part of the premises to which it relates so that it is available for inspection in accordance with the provisions of the Act.
11. Every authorized and practising physician, veterinary surgeon or dentist, shall on request furnish the Department with any information that may be required, in respect of any of the drugs mentioned in the Schedule to the Act, received, dispensed, prescribed, given away, sold or distributed by such physician, veterinary surgeon or dentist.
 12. Every person (other than those mentioned in sections nine, ten and eleven of these Regulations) on whose premises any drug mentioned in the Schedule to the Act is kept, sold or distributed, shall make and preserve a record, in a suitable book kept for such purpose, of the name and the quantity of any such drug received by him, the date when and the name and address of the person from whom such drug was received, the name and quantity of drug used for manufacturing, the name and quantity of the article or preparation manufactured in whole or in part from such drug, the name and address of the physician, veterinary surgeon or dentist, if any, ordering or prescribing such drug, the date when the same was ordered or prescribed and the name and address of the person or persons to whom, and the date when such drug was sold or distributed.

FORM M-8

WHOLESALE DEALERS' AND MANUFACTURERS' RECORD
RECEIPTS OF NARCOTIC DRUGS

[illegible]

FORM M—9

WHOLESALE DEALERS' AND MANUFACTURERS' RECORD NARCOTIC DRUGS USED FOR MANUFACTURING

Date	Name of Drug	Quantity	Name of preparation manufactured	Quantity of preparation manufactured

FORM M—10

WHOLESALE DEALERS' AND MANUFACTURERS' RECORD RECORD OF SALES OF NARCOTIC DRUGS

Date	Name of Drug	Form in which sold	Quantity	To whom sold Name	Address

FORM M—11

RETAIL DRUGGISTS' RECORD RECEIPTS OF NARCOTIC DRUGS

Date	Name of Drug	Quantity	From whom received	
			Name	Address

FORM M—12

RETAIL DRUGGISTS' RECORD OF SALES OF OPIUM,
COCAINE, MORPHINE, ETC.

Date	Quantity	Name of Drug	Form in which sold	Purchaser name of	Purchaser Profession of	Purchaser address of	When given on prescription name and address of physician, veterinary surgeon or dentist	Signature of person making entry

THE PEST CONTROL PRODUCTS ACT

R.S.C. 1952, c. 209

AN ACT to regulate the Sale of Products used in controlling Agricultural Pests
1939, c. 21, s. 1.

Short Title

Short title.

1. This Act may be cited as the *Pest Control Products Act*, 1939, c. 21, s. 2.

Interpretation

Definitions.

2. In this Act,

"Active substance."

- (a) "active substance" means the substance in the pest control product that acts on the pest;

"Advertise."

- (b) "advertise" means to make known by the publication or distribution of any advertisement, circular or other notice;

"Brand."

- (c) "brand" means the trade name applied to pest control products of any particular description by the manufacturer, importer or vendor thereof;

"Fungi."

- (d) "fungi" means all rusts, smuts, mildews, molds, yeasts and similar forms of plant life as specified by regulation, and includes bacteria affecting plant life;

"Guarantee."

- (e) "guarantee" means such statement as is required by regulation of a manufacturer, importer or vendor applying for registration, and indicating the strength, effectiveness or other qualities of any pest control product;

"Ingredient."

- (f) "ingredient" means any material used in making a pest control product;

"Insect."

- (g) "insect" means any of the small invertebrate animals commonly known as insects and similar forms of animal life as specified by regulation;

"Inspector."

- (h) "inspector" means an inspector appointed under this Act;

"Minister."

- (i) "Minister" means the Minister of Agriculture;

"Official analyst."

- (j) "official analyst" means an official analyst appointed under this Act;

"Other plant or animal pest."

- (k) "other plant or animal pest" includes any form of plant or animal life that the Minister may declare by regulation to be a pest;

"Package."

- (l) "package" includes every container;

"Pest control product."

- (m) "pest control product" means a product used, or represented as a means, for preventing, destroying, repelling, mitigating or controlling directly or indirectly, any insect, fungus, bacterial organism, virus, weed, rodent, or other plant or animal pest;

"Registration number."

- (n) "registration number" means a specific number assigned by the Minister under authority of this Act for each brand of pest control product;

"Regulation."

- (o) "regulation" means a regulation made by the Minister under this Act;

"Rodent."

- (p) "rodent" includes all members of the order Rodentia. R.S., c. 5, s. 2; 1939, c. 21, ss. 3, 4, 11.

Registration of Pest Control Products Obligatory

1939, c. 21, s. 11.

Registration of brand.

3. (1) No person shall manufacture, import, advertise, or in any other manner whatsoever, offer for sale in Canada, any brand of pest control product unless such brand of pest control product has been registered under this Act and assigned a registration number.

Application for registration.

(2) Application for registration of a brand of pest control product may be made by the manufacturer, importer or vendor, in such form as may be prescribed by regulation, and shall be accompanied by a registration fee of twenty dollars.

Liability of applicants or agents.

(3) The manufacturer, importer or vendor upon whose application the registration of a brand of pest control product is obtained, or if he is non-resident in Canada, his duly appointed agent or representative in Canada, is responsible for due compliance with the provisions of this Act. R.S., c. 5, s. 3; 1939, c. 21, s. 11.

Application for registration of a pest control product.

4. (1) Every application for registration of a pest control product shall be accompanied by a statement containing the following information:

- (a) the name and address of the manufacturer, importer or vendor applying for registration;
- (b) the name and percentage by weight of each ingredient of such pest control product;
- (c) the brand name of such pest control product;
- (d) the guarantee by the applicant of such pest control product;
- (e) the purpose of such pest control product; and
- (f) other relevant information as required by the Minister.

Where applicant is non-resident in Canada.

(2) Where the applicant is non-resident in Canada, the application shall be signed by the agent or representative in Canada of the applicant as well as by the applicant himself, and shall contain an undertaking on the part of such agent or representative to be held responsible for due compliance with the provisions of this Act. R.S., c. 5, s. 4; 1939, c. 21, s. 5.

Refusal of Minister to register.

5. The Minister may refuse to register a pest control product if, in his opinion,

When brand misleading.

- (a) the brand name would tend to deceive or mislead the purchaser with respect to the guarantee, the materials from which the pest control product is made, or the method of preparation,

Similarity of brands.

- (b) the guarantee and the materials from which it is made are approximately the same as those of another brand of pest control product registered by the same manufacturer,

Unsuitability.

- (c) it is believed to be unsuited for the purpose for which it is sold or represented, or

Detrimental to vegetation.

- (d) it is generally detrimental or seriously injurious to vegetation (except weeds), domestic animals or public health when used according to directions. R.S., c. 5, s. 5; 1939, c. 21, s. 11.

Registration authority to sell.

6. (1) Every brand of pest control product that has been registered under this Act may thereupon and during the currency of the registration be manufactured, imported, advertised, or otherwise offered, for sale in Canada during the period continuing from the date of its registration until the 1st day of January following.

Renewal.

(2) Every registration shall expire on the 31st day of December in each year, but may be renewed from year to year and the same registration number may be assigned to a brand of pest control product that has been registered under the Act, if no change is made of the brand or of the guarantee or of the substances from which the pest control product is made.

Registration number fee.

(3) A fee of five dollars is payable in respect of every renewal of a registration number. R.S., c. 5, s. 6; 1939, c. 21, ss. 6, 11.

Cancellation by Minister.

7. The Minister may cancel any registration that in his opinion has been made in violation of any of the provisions of this Act or any regulations, or if subsequent to registration the pest control product has been found to be of doubtful value. R.S., c. 5, s. 7; 1939, c. 21, s. 11.

Importation may be prohibited.

8. If any pest control product imported into Canada is found to be adulterated or incorrectly or misleadingly tagged, labelled or named, or if in any way its sale constitutes an infraction of this Act, its further importation may be prohibited by the Minister. R.S., c. 5, s. 8; 1939, c. 21, s. 11.

Certain information to be set forth.

9. (1) No person shall sell, offer, expose, advertise or hold for sale in Canada any pest control product unless each package containing the pest control product, or a tag or label durably attached thereto, is branded or marked in printed characters in such form and manner as may be prescribed by regulation with

- (a) the name and address of the manufacturer, importer or vendor on whose application such pest control product was registered,
- (b) brand name,
- (c) registration number,
- (d) the word poison and symbol thereof, if harmful to human or animal life in any sufficient degree,
- (e) the antidote for the poison, if any,
- (f) the guarantee in the form prescribed by regulation, and
- (g) the net quantity by weight (avoirdupois) or volume (imperial measure).

When sold in bulk, information to be supplied by vendor.

(2) When the pest control product is sold in bulk and is not contained in packages, the prescribed information mentioned in this section shall be supplied to the purchaser in writing by the vendor. R.S., c. 5, s. 9; 1939, c. 21, ss. 7, 11.

Exceptions from application of Act.

10. This Act does not apply to

- (a) the selling or offering for sale of pest control products for manufacturing purposes or pest control products that are for export only,

- (b) any pest control product that has been manufactured from an unsolicited prescription submitted by the purchaser thereof, if the prescription is countersigned by an inspector and the pest control product is not purchased for resale in Canada, or
- (c) any pest control product that has been prepared by a retail druggist registered under a provincial pharmacy Act in Canada from an unsolicited prescription submitted by the purchaser thereof, if such pest control product is not purchased for resale in Canada. R.S., c. 5, s. 10; 1939, c. 21, ss. 8, 11.

Advisory board.

11. The Minister may appoint an advisory board which may at his request prepare and recommend to him such regulations as in his opinion should be established under this Act. R.S., c. 5, s. 11.

Regulations.

12. The Minister may make regulations
- (a) prescribing for the purposes of this Act the nomenclature of every form of plant and animal life that shall be deemed to be pests;
 - (b) prescribing the form in which applications for registration shall be made as provided in this Act;
 - (c) prescribing the pest control products that may be sold for any purpose;
 - (d) prescribing the pest control products that are generally detrimental or seriously injurious to vegetation, domestic animals or public health when used according to direction;
 - (e) describing the pest control products that are to be labelled "poison" and their antidote;
 - (f) prescribing the materials that may be considered as pest control products and the strength or purity, or both, under which they may be sold;
 - (g) prescribing for the purposes of this Act the nomenclature of materials from which pest control products are manufactured, and also the brand name that may be employed for any pest control products, with a view to simplifying and harmonizing the employment of brand names in relation to their guarantee as provided in this Act;
 - (h) describing the procedure to be followed, the instruments to be employed and the quantities to be taken in the taking of samples for official analysis by inspectors and by purchasers; the number of samples to be taken and how they shall be forwarded and preserved, and by whom; and the number and qualifications of impartial witnesses before whom samples of pest control products for official analysis shall be taken;
 - (i) prescribing those materials that may be exempt from the provisions of this Act;
 - (j) prescribing methods of analysis to be followed and limits of variability that may be tolerated as between the information that is marked on the container or on a label attached thereto or is supplied to the purchaser when sold in bulk, and the statement of analysis by an official analyst;
 - (k) prescribing the percentages of ingredients that may be present in pest control products;
 - (l) prescribing the fees that may be charged by an official analyst for the examination or analysis of any pest control product submitted to him for analysis under this Act, and from time to time to change the amount of such fees as may be deemed advisable or necessary.
 - (m) prescribing the size, colour and character of the tags or labels to be used for the purpose of this Act, and the size, character and location of the printing required to be marked on such tags or labels or on the container as provided in this Act;
 - (n) prescribing the methods to be used in the examination or analysis of any pest control product for the purposes of this Act; and

- (o) for any other purpose deemed by him to be necessary for making effective the provisions of this Act. R.S., c. 5, s. 12; 1939, c. 21, s. 11.

Analysis for purchaser.

13. (1) Any purchaser of any pest control product may obtain an analysis of such pest control product by making application therefor to an official analyst

Samples.

(2) Each sample shall be taken in accordance with the method for taking official samples prescribed by regulation, and the same taken shall be forwarded to the official analyst in such quantities and containers as may be prescribed by regulation.

Contents of statement of applicant

(3) There shall be sent with each sample forwarded for analysis under the provisions of this section a statement giving

- (a) the name and address of the applicant,
- (b) the name and address of the manufacturer, importer or vendor,
- (c) the registration number,

and such fee as may be prescribed by regulation. R.S., c. 5, s. 13; 1939, c. 21, s. 11.

Certificate prima facie evidence.

14. (1) A certificate of analysis signed by an official analyst is *prima facie* evidence of the particulars of the analysis therein set out.

Notification to Minister in case of disputed analysis.

(2) Where the person from whom an official sample is taken by an inspector and respecting which an analysis has been made, disputes the correctness of the analysis, he may, within thirty days of the receipt of a certified copy of the analysis, notify the Minister in writing that he intends to present evidence to controvert the correctness of the analysis of the official analyst, stating in full the nature of such evidence, and in the absence of such notice the certificate of the official analyst is final and conclusive evidence of the facts therein set out.

Where further investigation justified.

(3) Where the evidence of the person referred to in subsection (2) is such as in the opinion of the Minister would justify a further investigation, the Minister may cause a second part of the same sample to be analysed by such official analyst as he may name, and the certificate of analysis of that official analyst shall be conclusive evidence of the facts therein set out. R.S., c. 5, s. 14.

Inspectors. Entering premises. Samples, how obtained.

15. An inspector charged with the enforcement of this Act may enter upon any premises to make any examination of any pest control products in containers or in bulk, whether such pest control product is on the premises of the owner or on other premises, or in possession of a railway or steamship company, and may take official samples therefrom, for which samples the owner shall on demand be paid in accordance with the amount thus taken and at its current value. R.S., c. 5, s. 15; 1939, c. 21, s. 11.

Publication of results of analyses.

16. The Minister may publish the results of analyses and examinations of pest control products made in connection with the enforcement of this Act, and any additional information that in the opinion of the Minister is advisable. R.S., c. 5, s. 16; 1939, c. 21, s. 11.

Offences and Penalties

Offences and penalties.

17. Subject to section 18, any person who

- (a) advertises, exposes, offers, or holds in possession for sale, or sells, in Canada, a pest control product registered under this Act that does

not meet the guarantee that pursuant to section 9 has been branded or marked on the package containing the pest control product or on the tag or label attached thereto, as the case may be,

- (b) falsely represents a pest control product in an advertisement, or
- (c) violates any of the provisions of this Act or of any regulations for which no other penalty is prescribed by this Act,

is liable on summary conviction to a fine not exceeding one hundred dollars for the first offence, and for a second offence, to a fine of not less than one hundred dollars and not exceeding two hundred dollars, and for every subsequent offence to a fine not less than two hundred dollars and not exceeding five hundred dollars, and in default of payment of any such fine to imprisonment for a term not exceeding thirty days. R.S., c. 5, s. 17; 1939, c. 21, s. 9.

When prosecution for costs only allowed and for violation of Act in full against another person.

18. (1) A person accused of selling, offering, advertising, exposing or holding in his possession for sale a pest control product that does not comply with the requirements of this Act or of any regulations, who proves that the pest control product respecting which action is taken was bought by him directly within one year from a manufacturer or merchant domiciled in Canada, that if contained in a package said package was not opened, and whether contained in a package or not that the state of the pest control product was not altered while it was in his possession, and that he had no reason to believe that the said pest control product did not comply with the provisions of this Act, is, upon disclosing the name and address of the person from whom the pest control product was purchased, the place where it was purchased and the date of the sale, liable upon conviction for the costs of the prosecution only, and a prosecution may be brought against such last named person for violating the provisions of this Act or any regulation within six months from the date of such disclosure and not later.

Magistrate's report to Minister.

(2) Every magistrate who has disposed of a case under this section shall, within one month of the date of his judgment therein send to the Minister a report of the case, giving the name and address of the person who sold the pest control product to the accused and the date and place of the sale, and the name and address of the accused. R.S., c. 5, s. 18; 1939, c. 21, s. 11.

Offences.

19. Any person who
- (a) unlawfully uses any registration number assigned, or as if it had been assigned under this Act,
 - (b) wilfully lowers the value of a pest control product by mixing any other substance therewith after the said pest control product has been placed on the market by the manufacturer, importer or vendor, or
 - (c) wilfully obstructs, hinders, resists, or in any way opposes any inspector charged with the enforcement of this Act,

is liable to a fine of not less than five hundred dollars and not exceeding one thousand dollars or to imprisonment for a term not less than sixty days and not exceeding twelve months. R.S., c. 5, s. 19; 1939, c. 21, s. 11.

Appointments.

20. Such inspectors and official analysts as are required for the purposes of this Act may be appointed by the Minister. R.S., c. 5, s. 20.

Proceedings not to affect other legal rights.

21. No proceedings taken under this Act against any person shall in any way interfere with, or lessen the right of, an aggrieved person to any legal remedy to which he may be entitled. R.S., c. 5, s. 21.

If advertised, etc., contrary to law or regulations, may be seized and detained.

22. Any pest control product advertised, exposed, offered or held in possession for sale, or sold in Canada contrary to the provisions of this Act or regulations, may be seized and detained by an inspector at the risk and expense of the owner until full compliance with this Act or regulations is properly effected, and if the owner fails to comply within twenty-one days the pest control product may be confiscated and disposed of as the Minister may direct. 1939, c. 21, s. 10.

FORM PS 54

15499-LM-751

For Departmental Use Only

Registration No.
Date Received
Fee Received

Receipt No.
Stencilled
Reported

CANADA

PEST CONTROL PRODUCTS ACT

Application for Registration

(Submit in duplicate—one copy will be returned)

PLANT PRODUCTS DIVISION, PRODUCTION SERVICE,
Department of Agriculture,
Ottawa, Canada.

In compliance with Section 3 of the Pest Control Products Act and the regulations established thereunder application is hereby made for the registration of a product, the following particulars of which are true and complete.

1. The Brand Name under which the product will be sold
(According to Regulation 10)
2. The name and percentage of each ingredient (Do not use the term "inert"; name everything)
(According to Regulations 5, 7 and 8)

.....	%	%
.....	%	%
.....	%	%
.....	%	Total 100 %
3. The physical form of the product
(Liquid, paste, powder, etc.)
4. The guarantee
5. Attach three typed or printed copies of all claims as to the purpose of the product naming the pests that it will control or exterminate effectively
6. Attach three typed or printed copies of the directions for use of the product
7. Where the product is made, and by whom. If your supplier has already registered this formulation under the Act please quote registration number

8. Name and address of applicant—(the manufacturer, importer, or vendor, under whose name the product will be labelled for sale).

.....
(Signature and position title)

I agree to accept responsibility for compliance with the provisions of the Pest Control Products Act in respect of this product.

.....
(Signature and address of resident Canadian Agent when the applicant is non-resident in Canada)

Registration Fee enclosed.....

Date.....

CERTIFICATE OF REGISTRATION

Pursuant to the above application and subject to corrections (if any) made therein, REGISTRATION NUMBER..... is hereby assigned.

This certificate expires December 31, 19....

Ottawa, Canada..... 19....

For instructions re labelling see over.

.....
REGISTRATION OFFICER.

Under section 9 of the Pest Control Products Act, and in accordance with the regulations thereunder, the label of each package of a registered pesticide must show:

- (a) The name and address of the registrant.
- (b) The brand name as registered in part 1 on the face hereof.
- (c) The registration number thus:
Registration No. P.C.P. Act.
- (d) The guarantee exactly as registered in part 4 on the face hereof.
- (e) When necessary, the word "poison", the poison symbol, the antidote, and the words in capital letters "CALL A DOCTOR IN CASE OF ACCIDENT".
- (f) The net weight (avoirdupois) or volume (Imperial measure), the latter to be shown as below:
 - (a) Net volume shall be applied only to fluid products;
 - (b) Container sizes between and including 16 fluid ounces and 160 fluid ounces shall be the following only, and the statement of net contents in each case shall be expressed thus:—

16	fluid ounces	(4/5 pint)
20	"	(1 pint)
32	"	(4/5 quart)
40	"	(1 quart)
64	"	(2/5 gallon)
80	"	(1/2 gallon)
128	"	(4/5 gallon)
160	"	(1 gallon)

Abbreviations, as approved, may be used.

- (c) Sizes over one gallon shall be marked in terms of quarts or gallons (Imperial measure).

No label may bear claims of government approval in any form. No label may bear advertising for other pest control products.

Please note that the onus of correctly labelling a product is on the registrant, and while this Division reviews labels with care, the Division cannot accept responsibility for the accuracy of labels.

SOR/52-180

Pest Control Products Act—The Pest Control Products Regulations

DEPARTMENT OF AGRICULTURE

Under and by virtue of the authority conferred upon me by The Pest Control Products Act I hereby revoke all regulations made under the said Act and substitute therefor regulations as follows which shall be effective on and after April 28, 1952.

Ottawa, April 28, 1952.

JAMES G. GARDINER,
Minister of Agriculture.

The Pest Control Products Regulations

1. These regulations may be cited as the Pest Control Products Regulations.
2. In these regulations,
 - (a) "Act" means The Pest Control Products Act;
 - (b) "adjuvant" includes spreader, sticker, emulsifier and activator;
 - (c) "Minister" means the Minister of Agriculture;
 - (d) "pest" means any injurious, noxious or troublesome species of plant or animal life; and
 - (e) "pesticide" means any pest control product.

Application

3. These regulations apply to all pesticides including any adjuvant sold or advertised for sale that is intended to be mixed with a pesticide.

4. The following materials are exempt from the provisions of the Act and these regulations:

- (a) any product to which the Proprietary or Patent Medicine Act or the Food and Drugs Act applies unless that product is sold or advertised for sale for the purpose of controlling pests that affect agriculture, industry or households;
- (b) any naphthalene or paradichlorobenzene product to which the Food and Drugs Act applies that is sold by a retail druggist registered under the Pharmacy Act of a province, if no distinctive brand name is associated with the name of the product and no claim is made by the seller that the product is effective for the purpose of controlling pests;
- (c) any product when used for the purpose of controlling pests by a person engaged in the business or occupation of pest control operator;
- (d) any article that is represented as treated to prevent damage from or to repel any pest, or any device represented as having pest control properties attributable entirely to mechanical action, if the representations in respect of any such article or any such mechanical device are substantiated by evidence satisfactory to the Minister;
- (e) any products commonly known as disinfectants sold and used exclusively for the purpose of controlling bacteria, fungi, viruses, or similar organisms that directly affect the health of man or animals.

Registration

5. (1) An application for the registration of a pesticide shall be made on Form PS 54, and shall set forth in detail:

- (a) the chemical and physical nature of the product;
- (b) the specific and complete claims and representations of the applicant as to the purposes of the product in pest control; and
- (c) practical directions for the use of the product.

- (2) The applicant shall submit with his application:
- (a) three copies of the directions for the use of the product, setting out:
 - (i) the time for and the frequency and method of application of the product;
 - (ii) the quantity to be used; and
 - (iii) the purposes for which it is intended; and
 - (b) three copies of the text of the label that is to be used on the container of the product, bearing the information required by section 9 of the Act and section 16 of these regulations.
- (3) Where an application to register a pesticide is made for the first time, the applicant shall submit:
- (a) evidence acceptable to the Minister as to the practical effectiveness and safety of the product; and
 - (b) protocols of experiments establishing the comparative mammalian toxicity of any new material contained in the product.
6. (1) A registration certificate applies only to the pesticide described in the application to which the certificate relates.
- (2) With the approval of the Minister, an application for the registration of a pesticide and the directions for use submitted therewith may be amended before or after registration, and the registration shall, for the purposes of these regulations, be deemed to relate to the application and directions as amended.
7. The ingredients and active substances contained in a pesticide in respect of which application is made for registration shall be described by their appropriate common names as set out in Schedule A, and where Schedule A does not contain a name that is applicable to any ingredient or active substance in the product, by the appropriate name set out in a standard chemical dictionary in common use.
8. Every ingredient and active substance mentioned in an application for registration shall be described by its chemical formula, if any, as well as by its common name.
9. (1) No person shall make any claim as to the effectiveness or purpose of a pesticide unless the claim is set forth in the application for the registration of the pesticide.
- (2) No person shall sell any pesticide under any directions for use unless those directions are the directions to which the registration of the pesticide relates.

Brand Name

10. (1) The brand name shall, whenever practicable, be descriptive of the pesticide as to
- (a) active substances,
 - (b) physical form, and
 - (c) purpose.
- Examples:
- (i) "3 per cent DDT Insecticide Dust"
 - (ii) "Blank's Liquid Herbicide (containing Butyl Ester of 2,4-D)".
- (2) The brand name may also include a distinctive trade mark.

Guarantees

11. Any representation or claim respecting the ingredients or effectiveness of a pesticide constitutes a guarantee of that product for the ingredients or degree of effectiveness claimed.
12. (1) Where the Act or these regulations require a guarantee to be given in respect of any pesticide, it shall be given in accordance with this section.

(2) The guarantees required by paragraph (d) of subsection (1) of section 4 of the Act and paragraph (f) of section 9 of the Act shall, when the strength or effectiveness of the pesticide can be determined by chemical or physical analysis, be as follows:

- (a) every such guarantee shall comply with Schedule A in respect of the use of common names of active substances listed in Schedule A;
- (b) every such guarantee in respect of a product listed in Schedule B shall comply with Schedule B unless otherwise permitted;
- (c) no claim shall be made in respect of any active substance unless present to provide a satisfactory degree of effectiveness;
- (d) every guarantee in respect of an active substance shall specify the minimum content by weight of such active substance, and
 - (i) for liquid concentrates the guarantee shall specify the content of each active substance as the percentage by weight, or the weight (avoirdupois) per unit of volume (Imperial), or both, as may be required.
 - (ii) for dusts, wettable powders and other dry formulations, the guarantee shall specify the percentage by weight of each active substance present,
 - (iii) if it is claimed that the physical form or state of a pesticide is an index of effectiveness, such form or state shall be indicated in the guarantee; and
- (e) an additional guarantee of biological effectiveness as provided by subsection (3) shall be stated if the Minister so requires.

(3) When the strength or effectiveness of any pesticide cannot be determined satisfactorily by chemical or physical analysis, the pesticide may be registered and offered for sale subject to a guarantee of biological effectiveness filed with the application for the registration of the product, and the guarantee shall be stated as follows:

"Guarantee: Satisfactory biological effectiveness for the purposes claimed when used according to directions"

or, if an abbreviated form of the guarantee is desired, the words:

"Effective for purpose claimed"

shall suffice, and shall be deemed to have the same meaning.

13. The pesticides listed in Schedule C shall in each case be in accordance with the specifications and other requirements prescribed by Schedule C.

14. No claim shall be made for the control by any pesticide of any disease required to be reported under the provisions of the Animal Contagious Diseases Act.

Packaging of Pesticides

15. (1) Every container of a pesticide containing sodium chlorate or other chlorate or substance that may cause fire shall be of metal or glass or other non-combustible and durable material.

(2) Every container of a pesticide containing thallium, or any of its compounds or mixtures, shall be of a type approved by the Minister; a sample container shall accompany the application for registration of the product.

(3) Opaque containers only shall be used for pesticides containing rotenone, pyrethrins or other materials affected by light.

(4) Volatile active substances shall be packed in durable and air-tight containers.

Labelling of Containers

16. (1) The information required by section 9 of the Act to be shown on each container of a pesticide shall be printed conspicuously, legibly and indelibly and in logical sequence on the container, tag or label.

(2) The brand name and statement of guarantee shall in all respects conform to the brand name and guarantee as set forth in the registration certificate for the product.

(3) The name of each active substance, the statement of the content thereof and, when relevant the viscosity or specific gravity, shall be stated immediately following the word "Guarantee".

Examples:

"Guarantee: Arsenic 2 per cent"

"Guarantee: 2,4-D acid equivalent per gallon, 30 ounces"

"Guarantee: Mineral Oil 100 per cent
S.U. Viscosity in seconds at 100° F
100-109".

(4) No information inconsistent with or in any manner qualifying a guarantee shall be shown on any container, tag or label or in any advertisement of a pesticide.

(5) The following is an acceptable form for the printing or marking on containers, tags or labels of the information required by section 9 of the Act:

2 oz. net

X I T Liquid Gopher Poison (containing strychnine)

Registration No. P.C.P. Act

Guarantee: Strychnine 2 per cent

CALL A DOCTOR IN CASE OF ACCIDENT

Antidote

.....

.....

.....

.....



.....

.....

.....

.....

.....

Strychnine

Poison

Manufactured by the

RODENT SPECIALTY COMPANY

Townsville, Canada.

(6) Containers of a pesticide, the brand name of which is not descriptive of the pesticide as to the active substance, shall indicate the chemical nature of such pesticide. Example: "a thiocyanate product".

(7) Containers of pesticides that deteriorate as a result of freezing shall bear a caution to the effect that the product should be kept from freezing.

(8) Containers of pesticides containing sodium chlorate or other substances that in association with any organic material may be combustible shall bear the caution "May Cause Fire" in a conspicuous position together with suitable directions for the handling and storage of the product; a copy of such directions shall accompany the application for the registration of the product.

(9) Quantities of a pesticide sold by retail from an open container shall be legibly marked or labelled with the name and address of the retailer or vendor and the information marked on the original container as required by section 9 of the Act.

(10) Words stating, implying or inferring that a pesticide is approved, accepted or recommended by the Government of Canada or by any department or service thereof shall not be used on any container, label, tag or on any advertisement for such product.

Poisonous Substances

17. A pesticide that contains an amount of any substance harmful to humans shall be labelled in a conspicuous manner with the name of such substance and the word "POISON" together with the poison symbol (skull and cross-bones); the label shall also bear a conspicuous instruction to the effect that in the case of accident a doctor should be called, and shall also set forth an antidote acceptable to the Minister.

Statement of Contents of Containers

18. (1) The net content of containers of fluid pesticides containing quantities from 16 fluid ounces to 160 fluid ounces shall be stated both in terms of fluid ounces and in terms of pints, quarts or gallons or fractions thereof, Imperial measure.

Examples:

- "16 fluid ounces ($\frac{1}{4}$ pint)"
- "20 fluid ounces (1 pint)"
- "32 fluid ounces ($\frac{1}{2}$ quart)"
- "40 fluid ounces (1 quart)"
- "64 fluid ounces ($\frac{2}{3}$ gallon)"
- "80 fluid ounces ($\frac{1}{2}$ gallon)"
- "128 fluid ounces ($\frac{1}{2}$ gallon)"
- "160 fluid ounces (1 gallon)"

(2) The net content of containers of fluid pesticides containing more than one gallon shall be stated in terms of quarts or gallons, Imperial measure.

(3) The net contents of containers of fluid pesticides containing less than 16 fluid ounces shall be stated in terms of fluid ounces, Imperial measure.

(4) The net content of containers of pressure-packed pesticides shall be stated in terms of weight (avoirdupois).

Testing of Pesticides

19. (1) Testing of pesticides may be required prior to registration.

(2) Such tests as may be required may be conducted under field conditions in direct collaboration with the applicant for the registration of the pesticides.

(3) Results of such tests, as determined by the official of the Department of Agriculture responsible for the conduct of the tests, shall be final and shall constitute the basis on which registration shall be granted or refused.

20. The testing of pesticides specified in Schedule D shall be in accordance with the methods prescribed in Schedule D.

Official Samples

21. (1) Samples for analysis or test shall be taken as follows:

- (a) when the content of the container is one pound or less, or in the case of liquids one Imperial pint or less, the entire container shall constitute the official sample;
- (b) when the content of the container is more than one pound, or in the case of liquids more than one Imperial pint, a representative sample of the whole of approximately one pound or in the case of liquids, one pint, shall be drawn from the container thereof and shall constitute the official sample, but one ounce shall be sufficient for an official sample of alkaloids and other highly concentrated and expensive products; and
- (c) when a viscosity test is required of any pesticide, one quart shall constitute the official sample.

(2) Each official sample shall be forward to an official analyst.

(3) When the official sample consists of a pesticide in its unbroken container and is labelled with the name and address of the manufacturer, importer or vendor as required by section 9 of the Act, no witness to the taking of such sample is required; but when the sample is taken from a broken container, one witness to the taking and sealing of such sample is required, and the name and address of such witness shall be given in the inspector's information statement regarding the sample.

(4) Official samples, other than entire containers, shall be sealed in glass or other suitable containers to preserve the condition of the product.

Importations

22. (1) Every shipment of a pesticide for importation into Canada shall be accompanied by a signed statement of the shipper or importer, in triplicate, which shall be attached to the invoice of sale for customs purposes.

(2) The signed statement shall be in the following form:

The Collector of Customs,

Port of Date

I, the Shipper or Importer
(Name)

.....
(Address)

do hereby certify as to the correctness of the following particulars in respect of this shipment of pest control product for entry into Canada.

1. The name and address of the manufacturer of the pest control product.....

.....
(Name)

.....
(Address)

2. The name and address of the shipper or importer (if this statement is signed by the shipper, give the name and address of the importer; if signed by the importer, give the name and address of the shipper)—

.....
(Name)

.....
(Address)

3. Particulars of the shipment as registered under The Pest Control Products Act.

Brand Name	Registration Number	No. of Packages	Weight in lb.	or	Volume in gal.
.....					

.....
(Signature of Shipper or Importer)

Note: Shippers and Importers may obtain the above forms at any Plant Products Division office in Canada.

(3) The Collector of Customs at the port of entry shall forward one copy of the signed statement of the shipper or importer to the nearest District Supervisor of Pest Control Products Inspection, Plant Products Division, Department of Agriculture.

(4) Collector of Customs may hold in bond any pesticide pending compliance with the provisions of the Act and these regulations, and may refuse importation of any pesticide when advised by an Inspector that it has not been registered as required by the Act or that its sale in Canada would be contrary to any of the provisions of the Act or of these regulations.

SCHEDULE A

(see Section 12)

Arsenic Materials

Calcium Arsenate: contains at least 70 per cent of tricalcium arsenate ($\text{Ca}_3(\text{AsO}_4)_2$) equivalent to 26 per cent of arsenic (As), and an excess of lime ($\text{Ca}(\text{OH})_2$).

Copper Arsenite: contains at least 95 per cent of copper arsenic essentially of the formula ($\text{Cu}_2\text{As}_2\text{O}_3$) equivalent to 35 per cent of copper (Cu) and 32 per cent of arsenic (As).

Lead Arsenate (standard): is essentially di-lead orthoarsenate (PbHAsO_4) and contains at least 19.5 per cent of equivalent arsenic (As) and 58 per cent of equivalent lead (Pb).

Lead Arsenate (standard) paste: is lead arsenate (standard) diluted with water to paste form. Its equivalent arsenic (As) content is at least 9.7 per cent.

Lead Arsenate (basic): is essentially the compound having the formula ($\text{Pb}_4\text{PbOH}(\text{AsO}_4)_3 \cdot \text{H}_2\text{O}$) and contains at least 14 per cent equivalent arsenic (As), and 68 per cent of equivalent lead (Pb).

Lead Arsenate (basic) paste: is lead arsenate (basic) diluted with water to paste form. Its equivalent arsenic (As) content is at least 7 per cent.

Paris Green: is essentially copper acetoarsenite $(\text{CuAs}_2\text{O}_4)_x \cdot \text{Cu}(\text{C}_2\text{H}_3\text{O}_2)_y$ and contains at least 24 per cent of equivalent copper (Cu) and 39 per cent of equivalent arsenic (As).

Sodium Arsenate: contains at least 95 per cent of trisodium arsenate $(\text{Na}_3\text{AsO}_4 \cdot 12\text{H}_2\text{O})$ equivalent to 16.7 per cent of arsenic (As).

Sodium Arsenite: contains essentially sodium meta-arsenite (NaAsO_2) equivalent to at least 50 per cent of arsenic (As).

Arsenic Trioxide (White Arsenic): contains at least 95 per cent of arsenious anhydride (As_2O_3) equivalent to 71 per cent of arsenic (As).

Chlorine Materials

Aldrin is the insecticidal chemical 1,2,3,4,10, 10-hexachloro-1,4,4a,5,8, 8a-hexahydro-1,4,5,8-dimethanonaphthalene.

Technical Aldrin contains not less than 95 per cent of aldrin and not more than 5 per cent of related chlorinated hydrocarbons.

BHC is the insecticidal chemical benzene hexachloride which is 1,2,3,4,5,6-hexachlorocyclohexane. It contains not less than 10 per cent gamma isomer.

Chlordane is the insecticidal chemical 1, 2, 4, 5, 6, 7, 8, 8-octochloro-2,3, 3a, 4,7,7a-hexahydro-4,7-methanoindene.

Technical Chlordane contains not less than 90 per cent of chlordane and not more than 40 per cent of related insecticidal compounds.

DDT, otherwise known as dichloro-diphenyl-trichloroethane, contains not less than 70 per cent of p-p'-DDT, (1,1,1-trichloro-2,2-bis (parachlorophenyl) ethane) and not more than 30 per cent of related compounds the chief of which is O-p'-DDT.

Lindane is at least 90 per cent pure gamma isomer of BHC.

MCP is the herbicidal chemical 2-methyl-4-chlorophenoxy acetic acid.

Methoxychlor is the insecticidal chemical dimethoxy-diphenyl-trichloroethane. It is the methoxyanalogue of DDT.

Pentachloro-phenol is the insecticidal and herbicidal chemical having the empirical formula $\text{C}_6\text{Cl}_5\text{OH}$ and containing 66.56 per cent chlorine.

TCA means the herbicidal chemical trichloroacetic acid. The salt of this chemical should be stated, e.g., TCA Sodium Salt; TCA Ammonium Salt.

Toxaphene means the insecticidal chemical referred to as chlorinated camphene, having a chlorine content of 67 to 69 per cent and the empirical formula of $\text{C}_{10}\text{H}_{10}\text{Cl}_8$.

2,4-D means the herbicidal chemical 2,4-dichlorophenoxy-acetic acid. The salt or ester of the acid shall be stated, e.g., 2,4-D Sodium Salt; 2,4-D Triethanolamine Salt, 2,4-D Butyl Ester.

2,4,5-T means the herbicidal chemical 2,4,5-trichlorophenoxy-acetic acid. The salt or ester of the acid shall be stated, e.g., 2,4,5-T Sodium Salt, 2,4,5-T Triethanolamine Salt, 2,4,5-Butyl Ester.

Copper Materials

Bordeaux Powder: is composed of copper sulphate $(\text{CuSO}_4 \cdot 5\text{H}_2\text{O})$ and lime (CaO) or $(\text{Ca}(\text{OH})_2)$ and contains at least 12.5 per cent of equivalent copper (Cu) none of which is water soluble.

Burgundy Powder: is a mixture of copper sulphate $(\text{CuSO}_4 \cdot 5\text{H}_2\text{O})$ and sodium carbonate (Na_2CO_3) and contains at least 12.5 per cent of equivalent copper (Cu) and not more than 2 per cent of alkalinity expressed as (Na_2CO_3) .

Copper Carbonate: is essentially copper carbonate $(\text{Cu}_2(\text{OH})_2\text{CO}_3)$ and contains at least 50 per cent of copper (Cu).

Copper Chloride (anhydrous): contains at least 95 per cent of copper chloride (CuCl_2) equivalent to 44.9 per cent of copper (Cu).

Copper Chloride (hydrous): contains at least 95 per cent of copper chloride ($\text{CuCl}_2 \cdot 2\text{H}_2\text{O}$) equivalent to 35.3 per cent of copper (Cu).

Cuprous Oxide (Cu_2O) contains at least 95 per cent of cuprous oxide equivalent to 80 per cent of copper (Cu).

Copper Oxychloride: contains at least 95 per cent of copper oxychloride ($\text{CuCl}_2 \cdot 2\text{CuO} \cdot \text{H}_2\text{O}$) equivalent to 19.3 per cent of copper (Cu).

Copper Sulphate: contains at least 98 per cent of copper sulphate ($\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$) equivalent to 25 per cent of copper (Cu).

Copper Sulphate (Mono-hydrate): contains at least 95 per cent of mono-hydrate copper sulphate ($\text{CuSO}_4 \cdot \text{H}_2\text{O}$) equivalent to 34 per cent of copper (Cu).

Cyanamid Materials

Calcium Cyanide: contains at least 42 per cent of calcium cyanide ($\text{Ca}(\text{CN})_2 \cdot 6\text{H}_2\text{O}$) equivalent to 23 per cent of hydrocyanic acid (HCN).

Potassium Cyanide: contains at least 95 per cent of potassium cyanide (KCN) equivalent to 39.4 per cent hydrocyanic acid (HCN).

Sodium Cyanide: contains at least 95 per cent of sodium cyanide (NaCN) equivalent to 52.3 per cent hydrocyanic acid (HCN).

Dithiocarbamate Materials

Ferbam means the fungicidal chemical, ferric dimethyl dithiocarbamate, which has the empirical formula, $\text{FeC}_9\text{H}_{18}\text{N}_3\text{S}_6$.

Nabam means the fungicidal chemical, disodium ethylene bisdithiocarbamate, which has the empirical formula, $\text{Na}_2\text{C}_4\text{H}_6\text{N}_2\text{S}_4$.

Zineb means the fungicidal chemical, zinc ethylene bisdithiocarbamate, which has the empirical formula $\text{ZnC}_4\text{H}_6\text{N}_2\text{S}_4$.

Ziram means the fungicidal chemical, zinc dimethyl dithiocarbamate, which has the empirical formula, $\text{ZnC}_6\text{H}_{12}\text{N}_2\text{S}_4$.

Fluorine Materials

Cryolite (natural or synthetic) means the insecticidal material, containing at least 85 per cent of sodium aluminum fluoride ($\text{AlF}_3 \cdot 3\text{NaF}$), otherwise known as sodium fluoaluminate (Na_3AlF_6).

Mercury Materials

PMA means the fungicidal and herbicidal chemical, phenyl mercuric acetate, having the empirical formula, $\text{C}_8\text{H}_5\text{Hg} \cdot \text{O}_2$ and having a mercury content of about 59 per cent.

Oils

Mineral oil is derived from petroleum and when emulsifiable should be named "emulsifiable oil" or "emulsible oil".

Mineral oil for dormant spray is a mineral oil safe and effective for spraying plants during the dormant period prior to bud burst. When emulsifiable it should be named "emulsifiable dormant oil" or "emulsible dormant oil".

Mineral oil for foliage spray is a mineral oil safe and effective for spraying plants when in leaf. When emulsifiable it should be named "emulsifiable summer oil or emulsible" summer oil.

Phosphorous Materials

HEPT means the insecticidal chemical hexaethyl tetraphosphate. It is a mixture of organic phosphate esters and contains TEPP (tetraethyl pyrophosphate) as its chief active ingredient.

Parathion means the insecticidal chemical o'-o-diethyl o-p-nitrophenyl thio-phosphate, having the empirical formula $\text{C}_{10}\text{H}_{14}\text{NO}_5\text{PS}$.

Technical Parathion contains not less than 95 per cent of parathion and not more than 5 per cent of related compounds.

TEPP means the insecticidal chemical tetraethyl pyrophosphate, having the empirical formula $C_8H_{20}O_7P_2$.

Sulphur Materials

Bentonite Sulphur means an admixture of bentonite and sulphur fused with heat and contains at least 30 per cent of sulphur (S), much of which is of colloidal fineness.

Lime Sulphur Solution contains at least 23 per cent of sulphide sulphur (S) and is free of sediment. Its specific gravity at 60° is not less than 1.28.

Lime Sulphur Dry contains at least 40 per cent of sulphide sulphur (S) and 60 per cent of total sulphur of which not less than 75 per cent is soluble in water.

Microfine Sulphur means finely ground sulphur and contains at least 90 per cent by weight of particles 10 microns or less in size.

Thiram means the fungicidal chemical, tetramethylthiuram, disulfide, having the empirical formula $C_6H_{12}N_2S_4$.

Miscellaneous

Allethrin means the insecticidal chemical d1-2-allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one esterified with a mixture of cis and trans d1-chrysanthemum monocarboxylic acid, also referred to by the less exact phrase "allyl homologue of cinerin I".

Antu means the rodenticidal chemical, alpha naphthyl thiourea ($C_{11}H_{10}N_2S$).

Calcium caseinate contains at least 25 per cent of commercially pure casein associated with lime, and not less than 13.5 per cent nitrogen (N).

Cube is obtained from the plant *Lonchocarpus utilis* A. C. Smith and contains at least 3 per cent of rotenone.

Derris or Tuba is the ground root of either *Derris elliptica* Benth., *Derris malaccensis* Prain or *Derris aliginosa* Benth., and contains at least 3 per cent of rotenone.

Dinitro ortho cresol (DNOC) means the insecticidal chemical having the empirical formula $C_7H_6O_5N_2$. The salt of this chemical should be stated, e.g., "sodium salt of dinitro-ortho-cresol".

Hydrated Lime for Spraying Purposes is calcium and magnesium hydrates $Ca(OH)_2$ and $Mg(OH)_2$. The technical grade contains not more than 5 per cent of silica and other impurities, and has a fineness of not less than 90 per cent through a 200 mesh sieve and 99 per cent through a 100 mesh sieve.

Nicotine is the product containing the nicotine alkaloid base obtained from the tobacco plant or synthetically. Its nicotine ($C_{10}H_{14}N_2$) content shall not be less than 40 per cent.

Nicotine Sulphate is obtained by the action of sulphuric acid on nicotine base and contains at least 40 per cent of equivalent nicotine ($C_{10}H_{14}N_2$).

Phenothiazine (orthiodiphenylamine) contains at least 95 per cent phenothiazine.

Pyrethrum is the ground flowers principally of the plant *Chrysanthemum cinerariaefolium* Vis. and contains at least a total of .5 per cent of pyrethrins.

Red Squill also known as *Scilla* is the dried and ground bulb of a variety of the plant *Urginea maritima* (L.) Baker (*Urginea Scilla* Steinh.) having red bulbs.

Strychnine contains at least 99 per cent of strychnine ($C_{21}H_{22}N_2O_2$).

Strychnine Sulphate is obtained by the action of sulphuric acid on strychnine and contains at least 78 per cent of equivalent strychnine ($C_{21}H_{22}N_2O_2$).

Timbo is obtained from the root of *Lonchocarpus Urucu* Killip & Smith or of closely related species, and contains at least 3 per cent of rotenone.

Warfarin means the rodenticidal chemical 3-(alpha-acetonyl-benzyl)-4-hydroxycoumarin.

SCHEDULE B
(see Section 12)

Column 1	Column 2
Product containing	The Active Substance, etc., to be guaranteed for the Product named in Column 1
Aldrin	Aldrin
Allethrin	Allethrin
Antimony	Antimony
Antu	Antu
Arsenic (of any chemical form) such as arsenates, arsenites, etc.	Arsenic
Azobenzene	Azobenzene
Barium (of any chemical form)	Barium
Benzene hexachloride	Gamma isomer of benzene hexachloride
Beta butoxy beta thiocyno diethyl ether ..	Beta butoxy beta thiocyno diethyl ether
	Nitrogen equivalent
Boric Acid	Boron
Borax	Boron
Carbon disulphide	Carbon disulphide
Caseinates	Nitrogen equivalent
Carbon tetrachloride	Carbon tetrachloride
Chlordane	Technical chlordane
Copper (of any chemical form)	Copper
Cube	Rotenone
Cyanides	Hydrocyanic acid
DDD (dichloro diphenyl dichloroethane) ..	DDD
DDT (dichloro diethyl trichloroethane) ...	DDT
Derris	Rotenone
Dinitro-ortho-cresol (DNOC)	Dinitro-ortho-cresol
Ethylene dibromide	Ethylene dibromide
Ethylene dichloride	Ethylene dichloride
Formaldehyde	Formaldehyde
Hellebore	Hellebore
Heptachlor (heptachloro-3a, 4, 7, 7a-tetrahydro-4, 7-methanoindene)	Heptachlor
HETP (hexaethyl tetraphosphate)	Tetraethyl pyrophosphate
	Other related phosphates
Hexachlorobenzene	Hexachlorobenzene
Isobornyl thiocynoacetate (technical) ...	Isobornyl thiocynoacetate
	Related active terpenes
	Nitrogen equivalent
Lime hydrated	Hydrated lime
Lime sulphur dry	Sulphide sulphur
	Total sulphur
Lime sulphur solution	Sulphide sulphur
	Specific gravity at 60° F.
Lindane	Gamma isomer of benzene hexachloride (from lindane)
Magnesium silico fluoride	Magnesium silico fluoride
Mercuric chloride (corrosive sublimate) ..	Mercuric chloride
Mercurous chloride (calomel)	Mercurous chloride
Metaldehyde	Metaldehyde
Methyl bromide	Methyl bromide
MCP (methylchloro phenoxyacetic acid) ..	MCP (methylchloro phenoxyacetic acid)
Methoxychlor (bis-(p-methoxyphenyl) 111 trichloroethane)	Methoxychlor
Mineral oils	Mineral oil
	Unsulphonatable
	S.U. viscosity in seconds at 100° F.
Mineral oils emulsifiable (emulsive)	Mineral oil
	Unsulphonatable
	S.U. viscosity in seconds at 100° F.
	Name of emulsifying agent
	Date of manufacture

SCHEDULE B—*Concluded*

(see Section 12)

Column 1 Product containing	Column 2 The Active Substance, etc., to be guaranteed for the Product named in Column 1
Naphthalene	Naphthalene
Nicotine (sulphate and alkaloid)	Nicotine
Nitrothiazole (2 amino-5-nitrothiazole)	2 amino-5-nitrothiazole
Nitrophenide (m,m dinitro- diphenyldisulphide)	Nitrophenide
Paradichlorobenzene	Paradichlorobenzene
Parathion	Parathion
Pentachlorophenol	Pentachlorophenol
Phenothiazine	Phenothiazine
PMA (phenylmercuric acetate)	PMA (phenylmercuric acetate)
Phenyl mercury urea	Phenyl mercury urea
Potassium cyanate	Mercury equivalent
Pyrethrum	Potassium cyanate
Red squill	Pyrethrins
Rotenone	Red squill
Ryanodine (ryanla speciosa)	Rotenone
Sodium aluminum fluoride (cryolite)	Ryania
Sodium chlorate	Sodium aluminum fluoride
Sodium fluoride	Sodium chlorate
Sodium silicofluoride	Sodium fluoride
Strychnine	Sodium silicofluoride
Sulphamethazine	Strychnine
Sulphamethazine (sodium)	Sulphamethazine
Sulphaquinoxaline	Sodium sulphamethazine
Sulphur (of any kind)	Sulphaquinoxaline
TEPP (tetraethyl pyrophosphate)	Sulphur
Thallium (of any chemical form)	TEPP (tetraethyl pyrophosphate)
Thiocyano ethyl esters of aliphatic acids containing 10-18 carbon atoms	Other related prosphates
THIRAM (tetramethyl thiuram- disulphide)	Thallium
Toxaphene (chlorinated camphene)	Thiocyano ethyl esters of aliphatic acids containing 10-18 carbon atoms
Trichloroacetate (T.C.A.)	Nitrogen equivalent
2, 4-D (of any chemical form)	Thiram
2, 4, 5-T (trichlorophenoxyacetic acid) ...	Toxaphene
Warfarin (3-(a-acetonylbenzyl)4-hydro xycoumarin)	Trichloroacetate
Zineb (zinc ethylene bisdithiocarbamate)...	2, 4-D acid equivalent
Ziram (zinc dimethyl dithiocarbamate) ...	2, 4, 5-T acid equivalent
Ferbam (ferric dimethyl dithiocarbamate)	Warfarin
Nabam (disodium ethylene bis dithiocarba- mate)	Zineb
Other products	Ziram
	Ferbam
	Nabam
	As accepted for registration

SCHEDULE C

(see Section 13)

Sundry Specifications

1. *Water Soluble Arsenic*

The maximum content allowed in pest control products for use on foliage, calculated on a dry basis and as elemental arsenic (As.), shall not exceed .5 per cent in arsenate of lead, 1 per cent in calcium arsenate, 1.25 per cent in paris green and .3 per cent in all other products containing arsenic.

2. *Spray products for indoor use*

- (i) Such products must have an effect on house flies (*Musca domestica*) not inferior to that of the Canadian Standard Insecticide when tested by the published method.
- (ii) The oil base, carrier or distributor of sprays for indoor use, shall be of a highly volatile and non-staining material and the finished product shall have a flash-point of not less than 125°F. (closed cup test).
- (iii) The oil base, carrier or distributor of sprays for live stock, shall be such that the finished product shall have a viscosity between 40 and 55 seconds (S.U. at 100°F.), and an unsulphonatable content of at least 85 per cent.
- (iv) Livestock spray products shall be so formulated that when used according to the directions of the vendor they will not burn or blister the skin of animals, remove or cause loss of hair, mat or discolour hair, nauseate animals or interfere with the healing of cuts or wounds, or taint the milk of the animals sprayed.

3. *Strychnine products*

- (i) Treated grain or other bait for use solely without dilution, shall contain at least .2 per cent of strychnine.
- (ii) When for use diluted, such products shall contain at least 2 per cent of strychnine and the directions for use of the product shall not recommend a greater dilution than will result in less than .1 per cent strychnine in the treated grain or other bait.

PROPRIETARY OR PATENT MEDICINE ACT

R.S.C. 1952, c. 220

AN ACT respecting Proprietary or Patent Medicines.

Short Title

Short title.

1. This Act may be cited as the *Proprietary or Patent Medicine Act*.
R.S., c. 151, s. 1.

Interpretation

Definitions.

2. (1) In this Act

"Advisory Board."

- (a) "Advisory Board" means the Advisory Board appointed under section 9;

"Analyst."

- (b) "analyst" means a Dominion analyst as defined in the Food and Drugs Act;

"Minister."

- (c) "Minister" means the Minister of National Health and Welfare; and

"Proprietary or patent medicine."

- (d) "proprietary or patent medicine" means every artificial remedy or prescription manufactured for the internal or external use of man, the name, composition or definition of which is not to be found in the British Pharmacopœia, the Codex Medicamentarius of France, the Pharmacopœia of the United States, or any foreign pharmacopœia approved by the Minister, the Canadian Formulary, the National Formulary of the United States of America, or any formulary adopted by any properly constituted pharmaceutical association representing Canada and approved by the Minister; or upon which is not printed in a conspicuous manner the true formula or list of medicinal ingredients contained in it.

Appointment of agent.

- (2) For the purposes of this Act the proprietor of a proprietary or patent medicine shall be deemed to be the manufacturer thereof, and where the manufacturer of a proprietary or patent medicine is not resident in Canada or has his chief place of business or head office in a place outside of Canada, such manufacturer shall file with the Minister the name of a person or corporation in or having its head office in Canada as the agent of such manufacturer, and such agent shall be deemed to be the manufacturer for all the purposes of this Act.

If no agent is appointed.

- (3) In any case where a manufacturer does not file the name of an agent when required as aforesaid, the Minister may take any proceedings or action under this Act *ex parte* and without any notice to or communication with such manufacturer. R.S., c. 151, s. 2; 1945, c. 7, s. 1.

Administration*Administration of Act.*

3. The administration of this Act and of all orders and regulations passed or made hereunder shall be under the direction and control of the Minister. R.S., c. 151, s. 3.

Certificate of registration. Fee.

4. (1) Every manufacturer of a proprietary or patent medicine, or the agent of such manufacturer shall, before offering any medicine for sale, procure from the Minister a numbered certificate of registration for each proprietary or patent medicine that he proposes to import into or offer for sale in Canada, and shall pay a fee of two dollars to the Minister for each such certificate.

Contents.

- (2) Such manufacturer or agent shall, at the time of applying for the said certificate of registration, for any medicine containing any of the drugs mentioned in or added to the Schedule, furnish the Minister with a statement under oath of the quantity of such drug or drugs contained in such medicine, which statement shall be filed in the department, and shall be treated as confidential.

Penalty for false statement.

- (3) Any person furnishing the Minister with a statement that is incorrect or false is, in addition to the punishment to which he may be liable for making a false or incorrect statement upon oath, liable to a penalty not exceeding one hundred dollars and costs or to imprisonment for any term not exceeding two months, and the Minister has power to cancel any certificate of registration that the Minister may have granted for the medicine described in such statement.

Preparation of medicine to be supervised.

- (4) Whenever required by the Minister, for good cause shown, the preparation of any medicine containing any drug included in the Schedule shall be continuously supervised by a pharmacist or a chemist, and any person violating

the provisions of this subsection is guilty of an offence and liable to a penalty not exceeding one hundred dollars and costs, or to imprisonment for any term not exceeding two months.

New registration on changing formula.

(5) Should the manufacturer at any time decide to change or alter in any way the composition or the name of any medicine for which a registration number has been granted, he shall notify the Minister of such intention and ask for a new registration number, which may be granted upon the same terms as in the previous application, and the former registration number shall thereupon be cancelled, and shall not be reissued.

Registration number to identify.

(6) The number under which any proprietary or patent medicine is registered shall be deemed to sufficiently identify such medicine for any purposes of this Act, and shall be clearly printed on the wrapper and label on each bottle, box or other container in which such medicine is sold or offered for sale. R.S., c. 151, s. 4.

Labels.

5. All proprietary or patent medicines shall be put up in packages or bottles, and every one of these, intended for sale or distribution in Canada, shall have placed upon it, in conspicuous characters forming an inseparable part of the general label and wrapper, the name and number under which the medicine is registered, with the words "The Proprietary or Patent Medicine Act," and also the manufacturer's name and address, which name and number is sufficient identification, as to the manufacturer thereof, for the purposes of section 17. R.S., c. 151, s. 5.

License to sell. Fee.

6. (1) Every manufacturer of a proprietary or patent medicine shall apply annually for a license to sell such medicine, and shall pay an annual fee of one dollar for each such license, but if at the end of the year, the manufacturer is able to prove to the satisfaction of the Minister, that his sales of any registered article for the year amounted to less than twenty-five dollars, the license fee paid may be repaid to him.

(2) In such license the medicine shall be referred to by its registered number only.

Term.

(3) The year for which such license is granted shall be the calendar year, and every license to sell shall expire on the 31st day of December of the year for which it was granted.

(4) Such license shall permit the sale of such medicine in Canada during the term of such license.

Single license.

(5) A single license covering any number of preparations designated by their registration numbers may be granted to any manufacturer, but the fee to be paid for such license shall be at the rate of one dollar for every registration number included in the license.

No sale without license.

(6) No proprietary or patent medicine shall be sold in Canada unless a license as above has been granted for such sale, and the period for which the license is granted shall determine the time limit during which legal sale may be made. R.S., c. 151, s. 6.

Opium for internal use.

7. The manufacture, importation or sale of all proprietary or patent medicines containing opium or its derivatives for internal use are prohibited. R.S., c. 151, s. 7.

Prohibited medicines.

8. (1) No proprietary or patent medicine shall be manufactured, imported, exposed or offered for sale or sold in Canada, if

(a) it contains cocaine or any of its salts or preparations;

(b) it contains alcohol in excess of the amount required as a solvent or preservative, or is not sufficiently medicated to make it unfit for use as a beverage;

(c) it contains any drug that is included in the Schedule the name of which and the amount per dose of which are not conspicuously printed on an inseparable part of the label and wrapper of the bottle, box or other container, or if the quantity of such drug exceeds the amount permitted by the Advisory Board;

(d) it contains any drug that is included in the Schedule and the name of such drug as used on the label is not the commonly employed name of such drug;

(e) the article is represented as a *cure* for any disease; or

(f) any false, misleading or exaggerated claims are made on the wrapper or label, or in any advertisement of the article.

(2) No proprietary or patent medicine intended for administration to infants under one year of age shall contain any derivative of coal-tar, that in the opinion of the Advisory Board, is dangerous to children under one year of age. R.S., c. 151, s. 8.

Advisory Board.

9. (1) The Minister has power to appoint an Advisory Board consisting of not less than three and not more than five members, one of whom shall be the Chief Dominion Analyst or, in the absence or inability to act of the Chief Dominion Analyst, the Assistant Dominion Analyst, the others to be properly qualified persons.

Powers of Board.

(2) The Advisory Board has power to prescribe what shall be deemed a sufficient medication of medicines containing alcohol in excess of two and one-half per cent to make them unfit for use as beverages; and also what shall be the maximum single and daily doses to be prescribed in the case of any medicines consisting of or containing any drug mentioned in or added to the Schedule; and the decision of the Advisory Board in all such cases is final.

Fees and travelling expenses.

(3) The Chief Dominion Analyst shall serve on such Advisory Board without remuneration; the other members shall be paid such fees for their attendance as the Minister may authorize, and all the members of the Board are entitled to be paid their actual travelling expenses.

Appropriation.

(4) All expenditure under this section shall be paid out of such money as Parliament may appropriate for the purpose. R.S., c. 151, s. 9.

Samples ordered by Minister.

10. The Minister may order any officer to obtain samples of any proprietary or patent medicine, and the manner of obtaining and treating such samples shall be as provided by departmental regulations which may be made by the Minister. R.S., c. 151, s. 10.

Distribution from door to door.

11. (1) No person, firm or corporation shall distribute or cause or permit to be distributed from door to door, or upon a public place or highway, or through the mail, any sample of a proprietary or patent medicine.

Exception.

(2) This section does not prevent manufacturers or wholesale dealers distributing samples to the trade. R.S., c. 151, s. 11.

Seizure of unregistered, etc., medicines.

12. Any proprietary or patent medicines found on sale in Canada not marked as required by section 5, or offered for sale or sold by any manufacturer who does not hold the licence to sell required by section 6, may be seized, and shall be forfeited to Her Majesty, and may be destroyed or otherwise dealt with as the Minister shall direct. R.S., c. 151, s. 12.

Improper use of certificate or license.

13. (1) No manufacturer, importer or vendor shall, in any advertisement or in any other manner, assert or indicate that the certificate of registration issued by the Minister passes upon the merits of any proprietary or patent medicine, and no reference to such certificate, or to any other certificate or guarantee, other than by this Act specially provided, shall be made in any advertisement, upon any label upon the package or bottle in which such medicine is contained, or in any other manner.

(2) No proprietary or patent medicine shall be imported, exposed, sold or offered for sale in Canada which bears any representations as respects certificates issued under any Canadian or foreign governments different from that allowed under this Act.

Penalty.

(3) Every person who violates the provisions of this section shall, for a first offence, incur a penalty of fifty dollars and costs, and for any subsequent offence a penalty not exceeding five hundred dollars and not less than one hundred dollars and costs, and the certificate of registration shall be cancelled. R.S., c. 151, s. 13.

Forgery of label or certificate. Penalty.

14. Every person, firm or corporation who unlawfully uses, or forges or alters, or uses, knowing it to be forged or altered, any manufacturer's label or certificate required under this Act, is guilty of an offence, and liable to a penalty not exceeding five hundred dollars and not less than one hundred dollars, and to imprisonment, with or without hard labour, for any term not exceeding twelve months and not less than three months. R.S., c. 151, s. 14.

Penalties not otherwise provided.

15. Every person, firm or corporation failing to observe any provision of this Act for which a specific penalty has not been provided, shall for a first offence incur in each case a penalty not exceeding fifty dollars and costs, and for every subsequent offence a penalty not exceeding one hundred dollars and costs, and his certificate of registration may be cancelled. R.S., c. 151, s. 15.

Liability of directors.

16. The directors of any company incorporated in Canada are jointly and severally liable for any offence against this Act by such company or by any of its officers. R.S., c. 151, s. 16.

Defence.

17. (1) In the case of any person accused of selling, offering or exposing for sale any proprietary or patent medicine which is not in conformity with the provisions of this Act, and upon which there appears the name and number under which the medicine is registered, with the words "The Proprietary or Patent Medicine Act," and also the manufacturer's name and address, if the person so charged also proves that he sold the said medicine in the same state as when he purchased it and that he could not with reasonable diligence have obtained knowledge of such medicine being of a character contrary to the provisions of this Act, or knowledge of the forgery, or alteration, or unlawful

use of the manufacturer's label and certificate, as the case may be, he shall be discharged; but he is liable to pay the costs incurred by the prosecutor, unless he has given due notice in writing to the prosecutor that he will rely upon the said defence and has also given to the prosecutor notice in writing of the name of the person from whom he purchased such medicine, but in any case the Minister may, if the medicine is sold, offered or exposed for sale contrary to the provisions of this Act, declare the medicine forfeited to the Crown.

All parties may be heard.

(2) If the person who gives notice of such defence, or the prosecutor, obtains a summons to bring such third party before the court, the court shall at the same time hear all the parties and decide upon the entire merits of the case, not only as regards the person originally accused but also as regards the third party so brought before the court. R.S., c. 151, s. 17.

Recovery of penalties.

18. Every penalty or forfeiture incurred for any offence against this Act, or any regulation, may be recovered in the name of Her Majesty in a summary manner, with costs, under the provisions of the Criminal Code relating to summary convictions. R.S., c. 151, s. 18.

Imprisonment.

19. Any term of imprisonment for an offence against the provisions of this Act, whether in conjunction with a pecuniary penalty or not, may be adjudged and ordered

- (a) by the Exchequer Court of Canada, or any court of record having jurisdiction in the premises; or
- (b) if such term of imprisonment does not exceed twelve months, exclusive of any term of imprisonment adjudged or ordered for non-payment of any pecuniary penalty, whether the offence in respect of which the liability to imprisonment has been incurred is declared by this Act to be an indictable offence or not, in a summary manner under the provisions of the Criminal Code relating to Summary Convictions, by a judge of a county court, or by a police or stipendiary magistrate, or any two justices of the peace having jurisdiction in the place where the cause of prosecution arises, or wherein the defendant is served with process. R.S., c. 151, s. 19.

Penalties additional to provincial penalties.

20. Any penalty incurred under the provisions of this Act shall be deemed to be in addition to, and not in substitution for, any penalty incurred under the law of any province. R.S., c. 151, s. 20.

Regulations.

21. The Governor in Council may make such regulations for giving effect to any of the provisions of this Act or of any amendment hereto which imposes any further restrictions, or in respect of the sale of any patent or proprietary medicine in stock on the 20th day of July, 1908, and declare the true intent thereof, in any case of doubt, as to him seems meet, and may also add to or remove from the Schedule any poisons or potent drugs, as from time to time he deems expedient. R.S., c. 151, s. 21; 1950, c. 50, s. 10.

Violation of regulations.

22. Any violation of any regulation shall subject the person in the said regulation mentioned to such penalty or forfeiture as is, by the said regulation, imposed for such violation. R.S., c. 151, s. 22; 1950, c. 50, s. 10.

SCHEDULE

Acetanillide (Antifebrin) and other coal tar derivatives having similar action	Hyoscyamin and its preparations
Acetylsalicylic Acid under whatever name it may be employed	Hyoscyamus, its preparations and derivatives
Aconite, its preparations and derivatives	Indian Hemp, (<i>cannabis indica</i>), its preparations and derivatives
Adonis Vernalis	Lobelia, its preparations and derivatives
Antimony, compounds of	Mercury and its compounds
Apiol	Methylene Blue
Arsenical preparations	Morphine (<i>morphia</i>), (external use only)
Atropine	Novocaine
Barbitone (veronal)	Nupercaine or Percaine under whatever name it may be known
Belladonna, its preparations and derivatives	Nux Vomica, its preparations and derivatives
Benzocaine	Oil of Cedar
Benzol	Opium, its preparations and derivatives (external use only)
Beta Naphthol	Pennyroyal
Bromides	Phenacetine (para-acetphenetidin) and Phenazone (anti-pyrine) are included in this group, and other members of the group will be specifically named from time to time
Butyn	Phenobarbital
Cantharides, its preparations and derivatives	Phosphorus
Carbolic Acid (phenol)	Potassium Chlorate
Chloral Hydrate	Prussic Acid
Chloralamide	Santonin
Chloretone	Savin
Cinchopen, U. S. P. Standard, with the chemical synonym quinine carboxylic acid under whatever name it may be marketed	Scopolamine
Colchicum, its preparations and derivatives	Squill and its preparations
Conium (<i>maculatum</i>), its preparations and derivatives	Stovaine
Cotton Root	Stramonium, its preparations and derivatives
Croton Oil	Strophanthus, its preparations and derivatives
Digitalis, its preparations and derivatives	Strychnine (<i>strychnia</i>), and its preparations
Ephedrine Salts	Sulphonal
Ergot and its preparations	Tansy
Ergotine	Trional
Eucaïne	Veratrine (<i>veratrina</i>).
Gelsemium	
The Hellebores (<i>helleborus niger</i> and <i>album</i> and <i>veratrum viride</i>)	
Heroin (for external use only)	
Hyoscine	

Orders in Council P.C. 2309, Sept. 17, 1920; P.C. 1412, Aug. 7, 1929; P.C. 1882, Sept. 25, 1929; P.C. 2339, Dec. 3, 1929; P.C. 442, Feb. 26, 1931; P.C. 3168, April 21, 1932; P.C. 1308, June 8, 1932; P.C. 3187, Dec. 18, 1934; P.C. 5296, Oct. 2, 1940; P.C. 9785, Dec. 24, 1943.

For the instruction and guidance of all persons interested in the manufacture and sale of proprietary or patent Medicines in Canada

All secret formula non-pharmacopoeial medicines for the internal or external use of man must be registered and licensed under The Proprietary or Patent Medicine Act before being offered for sale in Canada. The burden of proof that a medicine is secret in formula rests with the manufacturer.

A separate registration number, the fee for which is \$2, must be procured for each internal and external medicine, and in addition it is necessary to obtain an annual licence to sell such medicine. The annual licence fee is at the rate of \$1 per preparation; therefore, to register and license a preparation the sum of \$3 is payable (secs. 4 and 6). The registration fee is payable but once, viz., at original registration. The licence is valid only for the calendar year for which it is issued. Applications for renewal of licence, accompanied by the requisite fees, should be filed with the Department before the 1st of January each year. If at the end of any calendar year the manufacturer forwards an affidavit to the effect that his sales of any registered article for the past year amounted to less than \$25, the licence fee paid will be refunded.

The Department can assume no responsibility for cash lost in the mails. Please remit by cheque or money order made payable to the Receiver General of Canada.

Should the manufacturer decide to change or alter, in any way, the composition, or the name of any medicine for which a registration number has been granted, he shall notify the Department of such intention and make application for a new registration number, and the former registration number will be cancelled (sec. 4(5)).

The registration number is granted for purposes of specific identification only, and does not in any way commit this Department to an expression of opinion regarding the merits of the article. Any attempt to use a registration number otherwise will be held to be punishable under secs. 13(3) and 15.

When applying for registration the applicant is required to state the exact name which he intends to call his medicine, and to give the precise name and address which will be printed on the labels and wrappers as that of manufacturer. Draft outlines of all labels, wrappers and other literature proposed to be used should accompany the applications.

He must state definitely the purpose or purposes for which his medicine is designed and recommended, and name and give the amount of each ingredient used in its composition.

If alcohol in excess of $2\frac{1}{2}$ per cent is present, he is required to name and give the proportion of each ingredient contained therein per fluid ounce, which, in his opinion, medicates the product so as to unfit it for use as an alcoholic beverage, and to state the size of the package as offered for sale and give the wholesale or retail price.

If any of the potent drugs named in the schedule of the Act (hereinafter referred to as scheduled drugs) are contained in an internal medicine, the proportion of each scheduled drug present per maximum adult dose and as directed to be taken in 24 hours must be specified under affidavit, and the quantities used must not exceed the dosage amounts fixed by the Advisory Board. Data with reference to these quantities will be furnished upon request or if necessary when the application is filed. When the maximum adult dose permitted of any of these scheduled drugs is contained in medicines which are also designed for administration to children, the quantities directed to be given must not exceed the following limitations, and no tablet, pill, capsule or powder containing a scheduled drug may be broken or divided for the purpose of administering a dose to a child.

Children of ten years	$\frac{1}{2}$ adult dose
" five "	$\frac{1}{4}$ "
" two "	$\frac{1}{6}$ "
" one year	$\frac{1}{12}$ "

Where a scheduled drug is used in a medicine intended for external use only it will suffice to give under affidavit the percentage amount of such drug present.

Applicants are asked to carefully appreciate the responsibility connected with furnishing, under oath, a true and correct statement of the scheduled drugs contained in their medicines. Failure in this regard is punishable by fine or imprisonment and cancellation of registration (sec. 4(3)).

The name of the medicine, the manufacturer's name and address, the number assigned with the words "The Proprietary or Patent Medicine Act," and the proportion per maximum dose of each scheduled drug present in internal medicines, and the percentage amount of each scheduled drug contained in external medicines, must be plainly printed on the label attached to the container and on each label and wrapper used in connection therewith (secs. 5 and 8(c)).

Applicants are requested to write plainly, to sign each application in handwriting, and to refer to the article presented for registration by its correct name only.

It is the duty of the manufacturer to see that registration is effected for each proprietary or patent medicine which he manufactures, and to assure himself that in choosing titles for his medicinals such names do not infringe the

trade-mark rights of others. The Department does not undertake to investigate the validity or status of medicinal titles further than to ascertain whether or not they conform to the requirements of this Act.

If the manufacturer of a proprietary or patent medicine is not a resident of Canada he cannot sell his goods in Canada unless he files with the Department the name of a person or corporation in Canada as his agent.

When the manufacture and sale of any medicine registered and licensed under this Act have been permanently discontinued the Department should be advised to that effect and the certificate of registration returned for cancellation. In cases where the manufacturer changes his name or address the certificates of registration and licence should be returned for revision.

This Act does not apply to medicinal preparations which bear on the labels and wrappers the true formula or full list of medicinal ingredients, or to medicines designed solely for veterinary purposes, or to articles intended only for toilet use (see sec. 2(d)).

Special non-pharmacopoeial preparations placed on the market exempt from the provisions of the above-named Act should bear on both the labels and wrappers, in addition to the true formula or full list of medicinal ingredients, the name of the preparation, the manufacturer's name and address, and if the gross weight of the package is two ounces or more a statement of the net contents in terms of weight or measure, in order to meet the requirements of the Food and Drugs Act. The information printed on the labels and wrappers, or in any advertisement used for such medicines must not contain any false, misleading or exaggerated claims.

Section 13 of the Regulations for Radio Broadcasting Stations established under the Canadian Broadcasting Act of 1936 provides in effect that all continuity advertising for proprietary medicines shall be submitted for inspection and comment, in duplicate, to the Department of National Health and Welfare through the Canadian Broadcasting Corporation, Toronto, Ontario, at least two weeks in advance of intended use.

Special attention is directed to the following restrictions:—

- (a) Opium and derivatives (including Codeine) are forbidden in medicines for internal use;
- (b) Cocaine and its salts or preparations must not be present in any proprietary or patent medicine, either for internal or external use;
- (c) The alcoholic content is limited (secs. 8(b) and 9(2));
- (d) No reference or claim to the presence of any vitamin shall be made on the label, wrapper, advertisements or in any other manner for any product sold subject to the provisions of this Act, unless the recommended daily dose contributes significantly to the daily requirements of that vitamin. Information respecting vitamin dosage will be supplied on inspection of formula if necessary, and also furnished upon request.
- (e) Scheduled drugs must be designated by their commonly used names;
- (f) No medicine subject to this Act shall be named, advertised, or in any way represented as a Cure;
- (g) No false, misleading or exaggerated claims shall be made on the labels, wrappers, or advertisements;
- (h) Certain derivatives of coal-tar are forbidden in medicines for infants (see sec. 8(2));
- (i) No proprietary or patent medicine may be sold in bulk (sec. 5);
- (j) No biological preparation is accepted for registration;
- (k) The use of Methyl Hydrate (Wood Alcohol, or Methylated Spirits) is prohibited in internal medicines. When this ingredient is used in external medicines the labels and wrappers must bear the words "Methyl Hydrate—Poison" in black letters not less than one-fourth of an inch in height (Excise Act);
- (l) The use of Rubbing Alcohol in the manufacture of medicines is prohibited by a regulation of the Department of National Revenue. Licensed bonded manufacturers may obtain non-potable alcohol subject

to a certain excise duty. The use of this commercial grade of alcohol in the manufacture of medicines is permitted only in bond in the presence of and under the direct supervision of an Excise Officer.

MEDVILLE, ONT., February 1, 1941.

Deputy Minister of National Health,
Department of National Health and Welfare,
Ottawa.

DEAR SIR.—I am sending herewith applications for a registration number and licence under The Proprietary or Patent Medicine Act for a medicinal preparation named "Doe's Tablets," also the requisite fees of \$3.

This medicine contains the potent drug Strychnine Sulphate which is named in the schedule to the Act, and in accordance with the requirements of section 4(2) I have specified under affidavit the quantity present per maximum dose and as directed to be taken in 24 hours.

Attached to my application for registration will be found an outline of the information intended to be printed on the labels and wrappers.

Yours very truly,
H. R. DOE.

PLEASE DO NOT OMIT TO FORWARD THE FEE OF \$2 WITH THIS APPLICATION. Do not send CASH. Remit by Cheque, Post Office Money Order, or Express Money Order. Make all remittances payable to the Receiver General of Canada.

APPLICATION FOR A CERTIFICATE OF REGISTRATION

(Under The Proprietary or Patent Medicine Act)

Medville, Ont., February 1, 1941.

Deputy Minister of National Health,
Department of National Health and Welfare,
Jackson Building,
Ottawa, Canada.

In accordance with section 4 of the above-named Act, I hereby apply for a certificate of registration and submit the following information:—

1. Name of medicine, *Doe's Tablets* (as proposed to be printed on labels and wrappers).
2. Trade Mark (if any).
3. Name of manufacturer, *H. R. Doe* (as proposed to be printed on labels and wrappers).
4. Address of manufacturer, *Medville, Ont.* (as proposed to be printed on labels and wrappers).
5. Name and address of person applying for registration, *H. R. Doe, Medville, Ont.*
6. Names and quantities of all medicinal ingredients contained in medicine:

Pulv. Rhubarb	2 grs.	Iron Peptonate	¼ gr.
Dried Yeast	2 grs.	Strychnine Sulphate	1/600 gr.
Phosphate of Lime	¼ gr.		
7. Names of scheduled drugs present, *Strychnine Sulphate*. (Quantities to be stated under affidavit at space 16.)
8. Purposes for which medicine is designed. A digestive aid, mild cathartic and tonic.
9. Directions in full. Two tablets three times daily before meals:

10. Percentage amount of alcohol by volume. None. (If over 2½ per cent follow instructions on back of this form.)

(Sign in handwriting only)

H. R. DOE,
Applicant.
Medville, Ont.,
Address.

NOTE.—Where alcohol is present in excess of 2½ per cent in medicines subject to the provisions of this Act the manufacturer is required, for purposes of the Advisory Board as defined in section 9(2), to name and give the proportion of each ingredient contained in his medicine per fluid ounce, which, in his opinion, medicates it so as to unfit it for use as an alcoholic beverage; state the size of the package as offered for sale, and give the wholesale or retail price.

11. Name of medicine.
12. Percentage of alcohol by volume. *None.*
13. Names and quantities of ingredients contained in each fluid ounce as a finished product.
14. Size of package.
15. Wholesale or retail price.

Applicant.

16. In the Matter of The Proprietary or Patent Medicine Act.

I, H. R. Doe, of the city of Medville, in the County of....., and Province of Ontario, make oath and say:

- (1) That I am the manufacturer within the meaning of the said Act;
(2) That the medicinal preparation, *Doe's Tablets*, as manufactured and sold by me contains the drug (or drugs) mentioned in the schedule of the said Act in quality and quantity as set forth in the following statement:
(a) Name of scheduled drug, *Strychnine Sulphate*.
(b) Proportion of scheduled drug per maximum single dose, 1/300 gr.
(c) Proportion of scheduled drug to be taken in 24 hours, 1/100 gr.
(d) Percentage amount of schedule drug in mixture when preparation is not designed for oral administration.

Sworn to before me at Medville, Ont., }
this 1st day of February, 1941.

R. BELL,
A Commissioner, etc.

H. R. DOE,
Applicant.

CANADA

DEPARTMENT OF NATIONAL HEALTH AND WELFARE

Do not send CASH. Remit by Cheque, Post Office Money Order, or Express Money Order. Make all remittances payable to the Receiver General of Canada.

APPLICATION FOR A LICENCE TO SELL PROPRIETARY OR PATENT MEDICINES

(Under the provisions of The Proprietary or Patent Medicine Act)

MEDVILLE, ONT., February 1, 1941.

The Deputy Minister,
Department of National Health and Welfare,
Ottawa, Canada.

I hereby apply for a licence to sell during the year ending December 31, 1941, the following proprietary or patent medicines, manufactured by H. R. Doe, Medville, Ont.

Name of Medicine	Registration Number
Doe's Tablets.....
.....
.....
.....

I enclose herewith the sum of \$1, in payment of the licence fee at the rate of \$1 for each preparation.

Where name of firm is stated as
applicant the signature of manager or
other responsible official must be added.

Applicant, H. R. DOE,
Address, Medville, Ont.

N.B.—If the above space is insufficient, the list may be continued on the back hereof.

CANADA DAIRY PRODUCTS ACT

R.S.C. 1952, c. 22

AN ACT to Establish National Standards for Dairy Products and to Regulate Interprovincial and International Trade in Dairy Products.

Short Title

Short title.

1. This Act may be cited as the *Canada Dairy Products Act*, 1951, c. 39, s. 1.

Interpretation

Definitions.

2. In this Act

"Analyst".

- (a) "analyst" means an analyst designated for the purposes of the *Food and Drugs Act* or an analyst employed under the Government of Canada or the government of a province and having authority to make analyses for public purposes;

"Dairy product".

- (b) "dairy product" means milk, cream, butter, cheese, condensed milk, evaporated milk, milk powder, dry milk, ice cream, malted milk, sherbet, or any other product manufactured wholly or mainly from milk;

"Grader".

- (c) "grader" means a person appointed as a dairy produce grader pursuant to section 7;

"Inspector".

- (d) "inspector" means a person appointed as an inspector pursuant to section 7;

"Minister".

- (e) "Minister" means the Minister of Agriculture;

"Package".

- (f) "package" means a receptacle or covering used for the packing, wrapping or covering of a dairy product; and

"Prescribed".

- (g) "prescribed" means prescribed by regulation under this Act, 1951, c. 39, s. 2.

Part I—Standards

Regulations.

3. (1) The Governor in Council may make regulations establishing grades with appropriate grade names for any class of dairy products and, without limiting the generality of the foregoing, may, by such regulations

- (a) prescribe the terms and conditions on which and the manner in which dairy products may be graded under this Part;
- (b) without limiting the generality of paragraph (a), require, as a condition to the grading of a dairy product under this Part, that it has been produced in an establishment that, at the time of production,
- (i) complied with prescribed conditions, and
- (ii) was registered in a prescribed manner;
- (c) prescribe fees that may be charged for grading by graders; and
- (d) prescribe the sizes, dimensions and other specifications of packages in which a dairy product must be packed and the manner in which it must be packed as a condition to application or use of the name of a grade so established.

Prohibitions.

(2) No person shall

- (a) sell, offer for sale, or have in possession for sale a dairy product under the name of a grade established under subsection (1) or under a grade name or other designation so closely resembling the name of a grade so established as to be likely to be mistaken therefor, or
- (b) apply to a dairy product or to a package containing a dairy product the name of a grade established under subsection (1) or a grade name or other designation so closely resembling the name of a grade so established as to be likely to be mistaken therefor,

unless

- (i) the dairy product conforms to the standards prescribed for the grade,
- (ii) the dairy product has been graded as required by the regulations, and
- (iii) the dairy product is packed and marked as required by the regulations. 1951, c. 39, s. 3.

PART II—International and Interprovincial Trade

Export of dairy products for which grades established.

4. No person shall, without the consent in writing of the Minister,

- (a) export from Canada, or
- (b) send or convey from one province to another,

a dairy product of a class for which grades have been established under Part I unless the dairy product has been graded under that Part and is packed and marked in accordance with the regulations made under that Part. 1951, c. 39, s. 4.

Export or import of dairy products not complying with prescribed standards.

5. (1) The Governor in Council may by regulation prohibit

- (a) importation into Canada,
- (b) exportation out of Canada, or
- (c) sending or conveyance from one province to another,

of a dairy product of any class unless it complies with prescribed standards, has been produced in accordance with prescribed conditions and is packed and marked in prescribed manner.

Prohibitions.

(2) No person shall

- (a) import into Canada,
- (b) export from Canada, or
- (c) send or convey from one province to another,

a dairy product contrary to a regulation made under this section. 1951, c. 39, s. 5.

Export or import of substitutes.

6. (1) The Governor in Council may by regulation prohibit

- (a) importation into Canada or into one or more designated provinces,
- (b) exportation out of Canada or out of one or more designated provinces, or
- (c) sending or conveyance from any province to any other province or from any province to one or more designated provinces,

of any class of product that is designated by the regulations as being

- (i) milk, cream, butter, cheese, condensed milk, evaporated milk, milk powder, dry milk, ice cream, malted milk or sherbet, that contains fat or oil other than that of milk, or
- (ii) a substitute for milk, cream, butter, cheese, condensed milk, evaporated milk, milk powder, dry milk, ice cream, malted milk or sherbet.

Governor in Council may designate substitutes.

(2) The Governor in Council may, by a regulation made under subsection (1), designate any class of products as substitutes for a dairy product for the purpose of the regulation if, in his opinion, products of that class are produced wholly or substantially as substitutes for the dairy product.

Prohibitions.

(3) No person shall
(a) import into Canada,
(b) export from Canada, or
(c) send or convey from one province to another, a dairy product or other thing contrary to a regulation made under this section. 1951, c. 39, s. 6.
(Section 6 as above, which was repealed by Chapter 16 of the Statutes of Canada, 1952, is, however, shown for purposes of information and because the publication of R.S.C. 1952 in dealing with the Dairy Products Act includes this section as part of the Act originally passed and shows by a later Chapter that it was repealed. To avoid confusion, therefore, on the part of a reader who might see Section 6 included in R.S.C. 1952, this explanation is given that the section in question has been repealed. For the reference to the repeal in R.S.C. 1952, see Chapter 305.)

Part III—Administration and Enforcement

Administration.

7. (1) The Minister of Agriculture shall administer and enforce this Act.

Inspectors, graders, etc.

(2) There shall be appointed under the *Civil Service Act* such inspectors, dairy produce graders and other persons as are necessary for the administration and enforcement of this Act.

Regulations.

(3) The Minister may make regulations, not inconsistent with this Act or regulations made under sections 3, 5 or 6, to carry out the purposes and provisions of this Act. 1951, c. 39, s. 7.

Powers of inspectors.

8. (1) An inspector may at any time enter a place where he reasonably believes that there are dairy products or other things to which this Act applies and examine any dairy product or other thing found and take samples thereof.

Production of authority.

(2) An inspector shall be furnished with a prescribed certificate of his appointment and, on entering any place under subsection (1), shall, if so required, produce the certificate to the person in charge thereof.

Information and assistance to inspector.

(3) The owner or person in charge of a place entered by an inspector under subsection (1) and every person found therein shall give the inspector all reasonable assistance in his power and furnish him with such information as he may reasonably require.

Seizure.

(4) Whenever an inspector believes on reasonable grounds that this Act has been violated, he may seize the dairy products and other things by means of or in relation to which he reasonably believes the violation was committed.

Detention.

(5) Dairy products and other things seized pursuant to subsection (4) shall not be detained after

(a) the provisions of this Act and the regulations have, in the opinion of the inspector, been complied with, or
(b) the expiration of ninety days from the day of seizure,
unless before that time proceedings have been instituted in respect of the violation in which event the dairy products and other things may be detained until the proceedings are finally concluded.

Forfeiture.

(6) Where a person has been convicted of a violation of this Act, every dairy product or other thing by means of or in relation to which the offence was committed is, upon the conviction, in addition to any penalty imposed, forfeited to Her Majesty, whether or not the forfeiture is directed by the conviction, and may be disposed of as the Minister may direct. 1951, c. 39, s. 8.

Obstruction of inspector.

9. (1) No person shall obstruct an inspector or other officer in the carrying out of his duties under this Act.

False statements.

(2) No person shall make any false or misleading statement either verbally or in writing to any inspector or other officer engaged in carrying out his duties under this Act. 1951, c. 39, s. 9.

Penalties.

10. (1) Every person who, or whose employee or agent, has violated any provision of this Act is guilty of an offence and liable

- (a) on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment; or
- (b) upon conviction under indictment to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment.

Proof of employment.

(2) In a prosecution for a violation of this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not he is identified or has been prosecuted for the offence. 1951, c. 39, s. 10.

Evidence.

11. (1) Proof that a package containing a dairy product bore a name and address purporting to be the name and address of the person by whom it was packed or a registered number purporting to be the registered number of the establishment where it was packed is *prima facie* proof, in a prosecution for a violation of this Act, that the dairy product was packed and that the package was marked by the person whose name or address appeared on the package or by the person operating the establishment whose registered number appeared on the package, as the case may be.

Certificate of analysis.

(2) A certificate of an analyst stating that he has examined the composition of a sample of a dairy product or other thing submitted to him by an inspector and stating the result of his examination is *prima facie* proof, in a prosecution for a violation of this Act, of the statements contained in the certificate.

Certificate of grade.

(3) A certificate of a grader as to the grade of a dairy product is *prima facie* proof, in a prosecution for a violation of this Act, of the grade of the product at the time when, according to the certificate, the product was graded and during the period for which the certificate is expressed to be valid.

Admissibility of certificates.

(4) In a prosecution for a violation of this Act, a document purporting to be the certificate of an analyst or a grader shall be received in evidence without proof of the signature of the person by whom it purports to be signed and without proof of his official position. 1951, c. 39, s. 11.

Jurisdiction of magistrates and justices.

12. A complaint or information in respect of an offence under this Act may be heard, tried or determined by a police or stipendiary magistrate or a justice or justices of the peace if the accused is resident or carrying on business within his or their territorial jurisdiction although the matter of the complaint or information did not arise in his or their territorial jurisdiction. 1951, c. 39, s. 12.

(Sections 13 and 14 are dropped in R.S.C., 1952, c. 22, as being no longer necessary. *The Milk Test Act* is s. 180, R.S.C., 1952.)

Canada Dairy Products Act—proclaimed in force

P. KERWIN,
Deputy Governor General.
 [L.S.]

CANADA

ELIZABETH THE SECOND, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas QUEEN, Defender of the Faith.
 To ALL TO WHOM these Presents shall come or whom the same may in anywise concern,—GREETING:

A PROCLAMATION

F. P. VARCOE,
Deputy Attorney General,
 Canada. } WHEREAS in and by section fourteen of an Act of the Parliament of Canada assented to on the thirtieth day of June in the year of Our Lord one thousand nine hundred and fifty-one, and intituled "An Act to establish national standards for dairy products and to regulate interprovincial and international trade in dairy products", being chapter thirty-nine of the Statutes of 1951, it is provided that the said Act shall come into force on a day to be fixed by proclamation of Our Governor in Council.

AND WHEREAS it is expedient that the said Act should come into force and have effect upon, from and after the fifteenth day of July, in the year of Our Lord one thousand nine hundred and fifty-two.

NOW KNOW YE that We by and with the advice of Our Privy Council for Canada do by this Our Proclamation declare and direct that the said Act shall come into force and have effect upon, from and after the fifteenth day of July in the year of Our Lord one thousand nine hundred and fifty-two.

OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Counsellor the Honourable PATRICK KERWIN, a Puisne Judge of the Supreme Court of Canada and Deputy of Our Right Trusty and Well-beloved Counsellor VINCENT MASSEY, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this Fifteenth day of July in the year of Our Lord One thousand nine hundred and fifty-two and in the First year of Our Reign.

By Command,

C. STEIN,
Under Secretary of State.

Canada Dairy Products Act—The Canada Dairy Products Regulations

P.C. 3461

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 15th day of July, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and by virtue of the powers conferred by The

Canada Dairy Products Act, is pleased to make the annexed regulations entitled the "Canada Dairy Products Regulations", and they are hereby made and established, accordingly, effective July 15, 1952.

J. W. PICKERSGILL,
Clerk of the Privy Council.

THE CANADA DAIRY PRODUCTS REGULATIONS

Short Title

1. These regulations may be cited as the Canada Dairy Products Regulations

Interpretation

2. (1) In these regulations,
 - (a) "Act" means The Canada Dairy Products Act;
 - (b) "brand" means any mark, stencil, stamp, label or writing placed on any dairy product;
 - (c) "creamery" means a place licensed or approved under the laws of a province for the manufacture of butter;
 - (d) "creamery butter" means butter manufactured in a creamery;
 - (e) "dairy butter" means butter, other than whey butter, made on a farm or at a place not licensed or approved as a creamery under the laws of a province;
 - (f) "fat" means any fat or oil, whether of animal, vegetable, marine or mineral origin;
 - (g) "grade name" means a grade name established by these regulations;
 - (h) "ice cream mix" means the unfrozen mixture from which ice cream is made;
 - (i) "package cheese" means process cheese or the product resulting from the comminuting and mixing of one or more lots of cheese without the aid of heat or emulsifying agents;
 - (j) "process cheese" means the food product produced by comminuting and mixing one or more lots of cheese with the aid of heat and emulsifying agents into a homogeneous mass;
 - (k) "renovated butter" or "process butter" means any butter that has been melted or clarified or refined, and in any case remanufactured into butter;
 - (l) "standardized milk" means whole milk that has been adjusted by the addition or subtraction of milk fat or milk solids other than fat; and
 - (m) "whey butter" means butter made from milk fat that has been recovered from whey.

(2) For the purpose of these regulations "grading" means grading by a dairy produce grader according to the grades and standards set forth in Part I of these regulations, and the grading of a dairy product shall be deemed to be not complete until the grader has, under Part I of these regulations, issued a grade certificate in respect of that product.

Part I

DIVISION A

CREAMERY BUTTER

Grades and Standards

3. Four grades of creamery butter are hereby established, with the following grade names:

- (a) Canada First Grade;
- (b) Canada Second Grade;
- (c) Canada Third Grade; and
- (d) Below Canada Third Grade.

4. The standards for the grades for creamery butter established by section 3 are as set forth in Schedule A.

Use of Grade Names

5. No person shall apply to or use in association with creamery butter a grade name established by section 3 unless the following requirements are complied with:

- (a) in the case of butter exported or intended to be exported from Canada, the butter shall be
 - (i) packed in the manner prescribed by section 13, in a box that meets Class I specifications as set forth in Schedule B, is reinforced in accordance with Schedule C, and is marked in accordance with section 14, or
 - (ii) packed and marked in accordance with section 15;
- (b) in the case of butter not exported or intended to be exported from Canada, the butter shall be
 - (i) packed in the manner prescribed by section 13, in a box that meets either Class I or Class II specifications as set forth in Schedule B and is marked in accordance with section 14, or
 - (ii) packed and marked in accordance with section 15.

Grading

6. (1) A grader may grade creamery butter if

- (a) the butter was produced in a creamery registered in accordance with section 12;
- (b) the butter is packed in the manner prescribed by section 13;
- (c) the butter is packed in a box that
 - (i) meets either Class I or Class II specifications as set forth in Schedule B, and
 - (ii) is marked in accordance with section 14.

(2) Creamery butter packed and marked in accordance with section 15 is not by these regulations required to be graded.

7. (1) The Minister may prescribe the times and places at which creamery butter may be graded.

(2) Creamery butter submitted to a grader for grading shall be arranged in a suitable place and all boxes shall be open for inspection and sampling.

(3) A grader may refuse to grade creamery butter if in his opinion

- (a) the butter is too fresh from the churn to permit the proper determination of its quality;
- (b) the temperature of the butter is either too high or too low to permit of proper examination; or
- (c) the butter is not representative of the churning required to be graded.

8. (1) When grading creamery butter the grader shall grade at least one box from each churning in every lot of butter submitted to him for grading, and, unless otherwise graded by the grader, each churning shall be given the same grade as the grade given to the butter contained in the box taken from that churning.

(2) The grader may grade more than one box from each churning in any lot of creamery butter submitted to him for grading when, in his opinion, it is necessary or desirable to do so, and may impose a fee of twenty-five cents for each box so graded.

9. (1) The grader may brand or stamp, or cause to be branded or stamped, on any box containing creamery butter, at any time or place after the butter has been graded by him, the appropriate grade mark as set forth in Schedule G.

(2) A grader may change or cause to be changed any incorrect grade mark appearing on any box containing creamery butter.

(3) A grader may examine any lot of creamery butter submitted to him by any person and may furnish such person with a statement of the results of his

examination and the furnishing of such statements is not "grading" within the meaning of these regulations.

10. Any person who has submitted creamery butter to a grader for grading or any purchaser of creamery butter that has been graded under this Part may appeal to the Chief, Dairy Products Division, Department of Agriculture, with respect to the decision of the grader as to the classification or grading of that butter.

Grade Certificates

11. (1) The grader shall issue a grade certificate for each lot of creamery butter that has been graded by him.

(2) Subject to this section grade certificates shall be in the form prescribed by Schedule D.

(3) The word "Pasteurized" shall be placed across the face of all certificates in respect of creamery butter that shows no reaction to the Storch test; creamery butter that reacts to the Storch test shall not be recognized by the grader as pasteurized and the certificate issued in respect thereof shall be marked with the words "Not Pasteurized".

(4) There shall be placed across the face of certificates for creamery butter made from pasteurized cream the words: "This certificate is not good after six weeks from date of issue", and across the face of certificates for unpasteurized creamery butter, the words: "This certificate is not good after three weeks from date of issue".

(5) A certificate expressed to be not good after a specified time from date of issue is not valid after that time has expired, but the certificate is valid and remains in force until that time has expired, unless the butter in respect of which the certificate was issued is regraded, whereupon the certificate shall be deemed to have expired.

(6) The original grade certificate issued for any lot of creamery butter shall, if the butter is regraded, be surrendered to the grader before a new certificate is issued.

(7) A certificate issued in respect of regraded creamery butter made from pasteurized cream is not valid after four weeks from date of issue and shall bear across its face the words "This certificate is not good after four weeks from date of issue"; a certificate issued in respect of regraded unpasteurized creamery butter is not valid after two weeks from date of issue and shall bear across its face the words: "This certificate is not good after two weeks from date of issue".

(8) If the grade for any lot of creamery butter is changed on regrading, the grader shall cancel the original grade marks by placing over them a cross.

(9) Notwithstanding subsection (1) the grader may refuse to issue a grade certificate for creamery butter that has been graded by him as Below Canada Third Grade if, in his opinion, the butter is of such poor quality that it is unsuitable for human consumption.

Registration of Creameries

12. (1) For the purpose of section 6, any person who manufactures creamery butter may register the creamery with the Minister in the manner prescribed by this section.

(2) Applications for registration shall be in the form prescribed by Schedule E.

(3) A register of creameries registered under subsection (1) shall be kept by the Minister.

(4) Upon registration, the creamery shall be assigned a registered number, and any creamery previously registered and assigned a registered number under the authority of the Dairy Industry Act may be assigned the registered number so held, if application is made to the Minister within one year from the coming into force of these regulations.

(5) Where a creamery is required to have a licence or permit under the laws of a province of Canada, such creamery shall not be registered under subsection (1) until such licence or permit is obtained from the province concerned.

(6) The Minister may for any cause that to him seems sufficient revoke the registration of any creamery registered under subsection (1).

Packing and Marking

13. For the purposes of sections 5 and 6 creamery butter shall be packed in the following manner:

(a) the box shall be

- (i) doubly lined with parchment paper of good quality and not less than forty-nine inches in length and twelve and three-quarters inches in width and of a minimum weight of forty pounds per ream, or
- (ii) lined with such other material as may be approved by the Minister; and

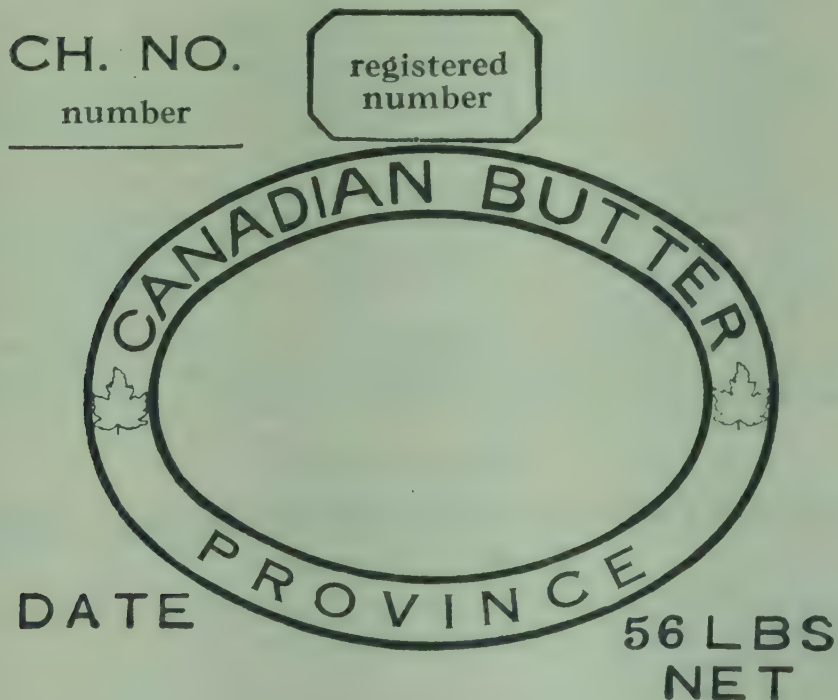
(b) the box shall be packed with a full 56 pounds net weight of butter.

14. For the purposes of sections 5 and 6, creamery butter boxes shall be marked as follows:

(a) one end of each box shall be marked, at the time of packing, with the following design, properly completed by

- (i) the churning number (Ch. No.) such numbers to run consecutively throughout the calendar year commencing with number one,
- (ii) the date of manufacture, indicating the day and month as, for example, "21/1" to indicate the twenty-first day of January,
- (iii) the registered number assigned in accordance with section 12 in the form and size prescribed by Schedule F, and
- (iv) the words "56 lbs. net"

inserted exactly as indicated in the design hereunder:



(b) the lines forming the ovals of the design shall be one-eighth of an inch wide and seven-eighths of an inch apart, the inside of the outer oval measuring ten inches horizontally and seven and one-half inches vertically;

- (c) the words "Canadian Butter" and the name of the province wherein the butter was manufactured shall be in block letters five-eighths of an inch high and no line in the design shall be less than one-sixteenth of an inch in width;
- (d) except with the consent of the Minister, all markings other than those specified in paragraph (c) shall be legibly and indelibly placed on the box in type of not less than sixty point face extended capitals (Gothic);
- (e) in the case of boxes of Class I specifications, the design shall be printed with black ink only and shall in no case be stencilled or stamped;
- (f) in the case of boxes of Class II specifications, the design may be stamped or stencilled on the end of the box;
- (g) the space within the oval of the design may contain any name, trade mark, design or wording that is not inconsistent with these regulations.

15. For the purposes of sections 5 and 6

- (a) creamery butter shall be packed in packages containing a full net weight of one-quarter pound, one-half pound, one pound or multiples thereof not exceeding fourteen pounds and shall be
 - (i) moulded or cut into prints, blocks, squares or pats, and
 - (ii) packed in cartons, tins or such other packages as the Minister may prescribe;
- (b) all packages described in paragraph (a) containing creamery butter shall be legibly and indelibly marked with
 - (i) a statement of the net weight of the contents expressed in pounds or fractions of a pound,
 - (ii) the name and address of either the factory of origin, manufacturer, cutter, jobber, or the wholesale or retail dealer, and
 - (iii) the words "creamery butter" on the main panel thereof;
- (c) the grade name shall be legibly and indelibly marked on the main panel of the package in type of
 - (i) not less than twelve point face extended capitals (Gothic) for packages weighing less than one pound, and
 - (ii) not less than eighteen point face extended capitals (Gothic) for packages weighing one pound or more but not more than fourteen pounds;
- (d) no package described in paragraph (a) containing creamery butter shall be marked with any fictitious creamery name or with any word that might be construed as a creamery name, unless such name or word is followed by the word "brand" in type of a size appropriate to the size of the package; and
- (e) no package described in paragraph (a) shall be marked with any word or words, other than the grade name, descriptive or purporting to be descriptive of the quality of the butter contained therein.

DIVISION B

CHEDDAR CHEESE AND WASHED CURD CHEDDAR CHEESE

Grades and Standards

16. Four grades for cheddar cheese and washed curd cheddar cheese are hereby established, with the following grade names:

- (a) Canada First Grade;
- (b) Canada Second Grade;
- (c) Canada Third Grade; and
- (d) Below Canada Third Grade.

17. The standards for the grades for cheddar cheese and washed curd cheddar cheese established by section 16 are set forth in Schedule A.

18. For the purposes of sections 19 to 32, "cheddar cheese" means cheddar cheese or washed curd cheddar cheese.

Use of Grade Names

19. No person shall apply to or use in association with cheddar cheese a grade name established by section 16 unless the following requirements are complied with:

- (a) in the case of cheese exported or intended to be exported from Canada, the cheese shall be
 - (i) pressed and shaped as required by section 28, or as required by the Minister,
 - (ii) branded as required by section 29, and, in the case of cheese of a net weight of 60 lbs. or more branded with the name "Canada" in accordance with Schedule H,
 - (iii) ripened as required by section 30, and
 - (iv) packed in a box that meets the specifications prescribed by Schedule B, or such other specifications as the Minister may prescribe, is reinforced in accordance with Schedule C, and is marked as required by section 31;
- (b) in the case of cheese not exported or intended to be exported from Canada, the cheese shall be
 - (i) pressed and shaped as required by section 28, or as required by the Minister,
 - (ii) branded as required by section 29,
 - (iii) ripened as required by section 30, and
 - (iv) packed in a box that meets the specifications prescribed by Schedule B or such other specifications as the Minister may prescribe, and is marked in accordance with section 31.

Grading

20. (1) A grader may grade cheddar cheese if the cheese
- (a) was produced in a factory registered in accordance with section 27;
 - (b) was pressed and shaped in accordance with section 28, or in accordance with a method prescribed by the Minister;
 - (c) was branded in accordance with section 29;
 - (d) was ripened in accordance with section 30;
 - (e) is packed in a box that
 - (i) meets the specifications prescribed by Schedule B or such other specifications as the Minister may prescribe, and
 - (ii) is marked in accordance with section 31.
- (2) Cheddar cheese packed and marked in accordance with section 32 is eligible to be exported from Canada or sent or conveyed from one province to another and is not by these regulations required to be graded.
21. (1) The Minister may prescribe the times and places at which cheddar cheese may be graded.
- (2) Cheddar cheese submitted to a grader for grading shall be arranged in a suitable place and all boxes shall be open for inspection and sampling.
 - (3) A grader may refuse to grade cheddar cheese if in his opinion
 - (a) the cheese is not sufficiently matured to permit the proper determination of its quality;
 - (b) the temperature of the cheese is either too high or too low to permit of proper examination; or
 - (c) the cheese is not representative of the vat required to be graded.

22. (1) When grading cheddar cheese the grader shall grade at least one box from each vat in every lot of cheese submitted to him for grading, and, unless otherwise graded by the grader each vat shall be given the same grading as the grade given to the cheese contained in the box taken from that vat.

(2) The grader may grade more than one box of cheese from each vat in any lot of cheddar cheese submitted to him for grading when, in his opinion it is necessary or desirable to do so, and may impose a fee of twenty-five cents for each box so graded.

23. (1) The grader may brand or stamp, or cause to be branded or stamped, on any box containing cheddar cheese, at any time or place after the cheese has been graded by him, the grade marks set forth in Schedule G.

(2) A grader may change or cause to be changed any incorrect grade mark appearing on any cheddar cheese or on any box containing cheddar cheese.

24. A grader may examine any cheddar cheese that is submitted to him by any person and may furnish such person with a statement of the results of his examination, but such examination and the furnishing of such statement is not "grading" within the meaning of these regulations.

25. Any person who has submitted cheddar cheese to a grader for grading or any purchaser of cheddar cheese that has been graded under this Part may appeal to the Chief, Dairy Products Division, Department of Agriculture, with respect to the decision of the grader as to the classification or grading of that cheese.

Grade Certificates

26. (1) The grader shall issue a grade certificate for each lot of cheddar cheese that has been graded by him.

(2) Subject to this section grade certificates shall be in the form prescribed by Schedule D.

(3) There shall be placed across the face of certificates for cheddar cheese the words: "This certificate is not good after six months from the date of issue".

(4) A certificate expressed to be not good after a specified time from date of issue is not valid after that time has expired, but the certificate is valid and remains in force until that time has expired unless the cheese in respect of which the certificate was issued is regraded, whereupon the certificate shall be deemed to have expired.

(5) The original grade certificate issued for any lot of cheddar cheese shall, if the cheese is regraded, be surrendered to the grader before a new certificate is issued.

(6) If the grade for any lot of cheddar cheese is changed on regrading, the grader shall cancel the original grade markings by placing over them a cross.

(7) Notwithstanding subsection (1), the grader may refuse to issue a grade certificate for cheddar cheese that has been graded by him as Below Canada Third Grade if, in his opinion, the cheese is of such poor quality that it is unsuitable for human consumption.

Registration of Cheese Factories

27. (1) For the purpose of section 20, any person who manufactures cheddar cheese may register with the Minister the factory in which that cheese is manufactured, in the manner prescribed by this section.

(2) Applications for registration shall be in the form prescribed by Schedule E.

(3) A register of factories registered under subsection (1) shall be kept by the Minister.

(4) Upon registration, the factory shall be assigned a registered number, and any factory previously registered and assigned a registration number under the authority of the Dairy Industry Act may be assigned the registered number so held, if application is made to the Minister within one year from the coming into force of these regulations.

(5) Where a factory is required to have a licence or permit under the law of a province of Canada, such factory shall not be registered under subsection (1) until such licence or permit is obtained from the province concerned.

(6) The Minister may for any cause that to him seems sufficient revoke the registration of any factory registered under subsection (1).

Packing and Marking

28. For the purposes of sections 19 and 20, cheddar cheese shall be pressed into cylindrical shape, in hoops not more than fifteen inches in diameter at a height of twelve inches above the bottom of the hoops, inside measurement.

29. (1) For the purposes of sections 19 and 20, cheddar cheese shall be branded at the factory of origin and within twenty-four hours after its removal from the press with

- (a) the registered number assigned by the Minister in accordance with section 27, in the form and size set forth in Schedule F;
- (b) the vat number, such numbers to run consecutively throughout the calendar year commencing with number 100; and
- (c) the date of manufacture, indicating the day, month and year, as for example, "21/1" to indicate the twenty-first day of January, 1952.

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(2) All brands required by subsection (1) shall be legibly and indelibly branded in type of:

- (a) not less than sixty point face extended capitals (Gothic) for units weighing more than twenty-five pounds;
- (b) not less than twenty-four point face extended capitals (Gothic) for units weighing one pound or more, but not more than twenty-five pounds;
- (c) not less than twelve point face extended capitals (Gothic) for units weighing less than one pound.

30. For the purposes of sections 19 and 20, cheddar cheese shall, before being packed, be kept in a ripening room for a period of at least eight days from the time of its removal from the press, unless in the opinion of the Minister the development of a rind is not necessary or desirable, in which case the cheese may be packed at any time after its removal from the press and left in a ripening room for a period of eight consecutive days.

31. (1) For the purposes of sections 19 and 20, each box containing cheddar cheese shall be marked at the time of packing with the marks required by section 29.

(2) The left side of the lap of each box marked in accordance with subsection (1) shall also be marked at the time of packing with the weight of the cheese therein in type

- (a) at least one inch high and one-half inch wide, followed by the abbreviation "LBS" in block type one inch high, where the box is a box that contains more than twenty-five pounds; or
- (b) at least one-half inch high and one-quarter inch wide, followed by "LBS" in block type one-half inch high, where the box is a box that contains twenty-five pounds or less.

32. (1) For the purpose of subsection (2) of section 20, cheddar cheese shall be packed and marked as follows:

- (a) the cheese shall be packed in a package that contains a full net weight of not more than twenty pounds;
- (b) the cheese or the package containing the cheese shall be legibly and indelibly marked with
 - (i) a statement of the net weight of the contents expressed in pounds, fractions of a pound or ounces,
 - (ii) the name and address of either the factory of origin, the manufacturer, the cutter, the jobber or the wholesale or retail dealer, and

- (iii) the words "cheddar cheese" or "washed curd cheddar cheese" as the case may be.
- (2) Size of type used for all markings required by subsection (1) shall be:
 - (a) not less than twelve point face extended capitals (Gothic) for packages weighing less than one pound;
 - (b) not less than twenty-four point face extended capitals (Gothic) for packages weighing one pound or more but not more than twenty pounds.

DIVISION C

DRY SKIMMED MILK

Grades and Standards

33. For the purpose of this Part, "dry skimmed milk" means dry skimmed milk, powdered skimmed milk or skimmed milk powder intended for human consumption.

34. Two grades for dry skimmed milk are hereby established, with the following grade names:

- (a) Canada First Grade; and
- (b) Canada Second Grade.

35. The standards for the grades established by section 34 are as set forth in Schedule A.

Use of Grade Names

36. No person shall apply to or use in association with dry skimmed milk a grade name established by section 34 unless the following requirements are complied with:

- (a) in the case of dry skimmed milk exported or intended to be exported from Canada, the dry skimmed milk shall be
 - (i) packed in the manner prescribed by section 44, in a package that meets the specifications prescribed by Schedule B and is marked in accordance with section 45, or
 - (ii) packed and marked in accordance with section 46;
- (b) in the case of dry skimmed milk not exported or intended to be exported from Canada, the dry skimmed milk shall be
 - (i) packed and marked as required by paragraph (a), or
 - (ii) packed and marked in accordance with section 46.

Grading

37. (1) A grader may grade dry skimmed milk if that dry skimmed milk
- (a) was produced in a factory registered in accordance with section 43;
 - (b) is packed in the manner prescribed by section 44;
 - (c) is packed in a package that
 - (i) meets the specifications prescribed by Schedule B, and
 - (ii) is marked in accordance with section 45.

(2) Dry skimmed milk packed and marked in accordance with section 46 is not by these regulations required to be graded.

38. (1) The Minister may prescribe the times and places at which dry skimmed milk may be graded.

(2) Dry skimmed milk submitted to a grader for grading shall be arranged in a suitable place and, at the request of the grader, the packages shall be open for inspection and sampling.

39. (1) When grading dry skimmed milk the grader shall grade at least one package in each lot of not more than twenty packages submitted to him for grading, and at least two packages in each lot of more than twenty packages so submitted.

(2) The grader may grade more than one package in each lot of not more than twenty packages submitted to him for grading, and more than two packages in each lot of more than twenty packages so submitted when, in his opinion, it is necessary or desirable to do so, and may impose a fee of twenty-five cents for each package so graded.

(3) For the purpose of subsection (1) there shall be included in each lot the whole of the output of the factory of origin in one day, determined in accordance with daily production records kept by or on behalf of the manufacturer.

40. (1) The grader may brand or stamp, or cause to be branded or stamped on any package containing dry skimmed milk at any time or place after the dry skimmed milk has been graded by him, the appropriate grade mark prescribed by Schedule G.

(2) A grader may change or cause to be changed any incorrect grade mark appearing on any package containing dry skimmed milk.

41. Any person who has submitted dry skimmed milk to a grader for grading or any purchaser of dry skimmed milk that has been graded under this Part may appeal to the Chief, Dairy Products Division, Department of Agriculture, with respect to the decision of the grader as to the classification or grading of that dry skimmed milk.

Grade Certificates

42. The grader shall issue a grade certificate, in the form prescribed by the Minister, for each lot of dry skimmed milk that has been graded by him.

Registration of Factories

43. (1) Any person who manufactures or repacks dry skimmed milk may register with the Minister the factory in which the dry skimmed milk is manufactured or repacked, in accordance with this section.

(2) Applications for registration shall be in the form set forth in Schedule E.

(3) A register of factories registered under subsection (1) shall be kept by the Minister.

(4) Upon registration, the Minister may assign to that factory an establishment number, if, upon the report of an inspector, the Minister is satisfied that the following conditions are being complied with:

- (a) the premises are suitably lighted, ventilated and kept in a clean and sanitary condition;
- (b) all equipment for the manufacturing and packing or repacking of the dry skimmed milk is maintained from day to day in a clean and sanitary condition;
- (c) all operations involved in the preparation and packing or repacking of the dry skimmed milk are carried on from day to day carefully and with strict cleanliness;
- (d) all packages used for packing the dry skimmed milk are clean and sanitary;
- (e) all employees engaged in the production and handling of dry skimmed milk are free from tuberculosis or other communicable diseases, and are dressed in clothes or coverings for clothes that are clean and that can be easily cleaned; and
- (f) all storage space on the premises or adjacent thereto is kept in a clean and sanitary condition and maintained at temperatures suitable for the proper storage of the dry skimmed milk.

(5) Any factory previously registered and assigned an establishment number under authority of the Meat and Canned Foods Act, may be assigned the establishment number so held, if the Minister is satisfied that the conditions specified in subsection (4) are being complied with and application is made to the Minister within one year from the coming into force of these regulations.

(6) Where a factory is required to have a licence or permit under the law of a province of Canada, such factory shall not be registered under subsection (1) until such licence or permit is obtained from the province concerned

(7) The Minister may for any cause that to him seems sufficient revoke the registration of any factory registered under subsection (1).

Packing and Marking

44. For the purposes of sections 36 and 37, dry skimmed milk shall be packed in the following manner:

(a) all packages shall be lined with

(i) double liners with or without taped seams, the outer of ninety pound crinkled duplex paper made of two sheets of thirty pound kraft paper laminated together with an even layer or asphaltum equal to thirty pound basis, and the inner not less than twenty-five pound basis and fifty per cent regular paraffin, both liners to have thirty-three and one-third per cent stretch and to be tied tightly,

(ii) double liners with or without taped seams, the outer liner of fifty pound kraft and the inner not less than twenty-five pound basis, each liner fifty per cent regular paraffin and having thirty-three and one-third per cent stretch and tied tightly, or

(iii) any other material that has been approved by the Minister; and

(b) all packages shall be packed with a full net weight of at least twenty-five pounds.

45. For the purposes of sections 36 and 37, packages of dry skimmed milk shall be marked as follows:

(a) each package shall, by means of a trade label or a stencilled or lithographed design affixed thereto, be legibly and indelibly marked with

(i) the name and address of the manufacturer or the person on whose behalf the dry skimmed milk was manufactured,

(ii) the words "Dry Skimmed Milk", "Powdered Skimmed Milk" or "Skimmed Milk Powder", and

(iii) a statement of the quantity or weight of the contents thereof;

(b) the trade label or the stencilled or lithographed design shall indicate the process of manufacture, such as "Spray", "Roller" or "Vacuum Drum";

(c) the grade name, the date of manufacture (indicated in numerals as, for example, "21-4-52," to indicate the twenty-first day of April 1952), and the establishment number shall be neatly marked in type of not less than sixty point face extended capitals (Gothic) on the side of the package or, if the package used is a barrel, between the two upper hoops of the barrel, in accordance with the following example:

CANADA FIRST GRADE

21-4-52

Est. 000

(d) each package shall be marked at the time of packing with the date on which it was so packed.

46. For the purposes of sections 36 and 37, dry skimmed milk shall be packed and marked as follows:

(a) the dry skimmed milk shall be packed in a package that contains a full net weight of one-quarter pound, one-half pound, one pound or multiples thereof not exceeding twenty-four pounds;

(b) the package containing the dry skimmed milk shall be legibly and indelibly marked with

(i) the appropriate grade name on the main panel in type of not less than twelve point face extended capitals (Gothic) for packages

- weighing less than one pound, and not less than eighteen point face extended capitals (Gothic) for packages weighing more than one pound but not more than twenty-four pounds,
- (ii) the words "Dry Skimmed Milk", "Powdered Skimmed Milk" or "Skimmed Milk Powder" on the main panel,
 - (iii) a statement of the net weight of the contents, expressed in ounces, fractions of a pound, or pounds as the case may be,
 - (iv) the name and address of the manufacturer or packer or the first dealer to whom such packages are delivered by the manufacturer or packer,
 - (v) the establishment number assigned to the factory of origin of the dry skimmed milk in accordance with section 43, and
 - (vi) such other markings as the Minister may prescribe; and
- (c) no package described in paragraph (a) shall be marked with any word or words, other than the grade name, descriptive or purporting to be descriptive of the quality of the dry skimmed milk contained therein.

Part II

EXPORT AND INTERPROVINCIAL TRADE

47. This Part applies to the following dairy products:
- (a) butter, namely,
 - (i) dairy butter,
 - (ii) whey butter, and
 - (iii) renovated butter, also known as process butter;
 - (b) cheese, other than cheddar cheese or washed curd cheddar cheese, including
 - (i) cream cheese,
 - (ii) process cheese, also known as emulsified cheese,
 - (iii) skim milk process cheese, also known as skim milk emulsified cheese,
 - (iv) skim milk cheese,
 - (v) swiss cheese, also known as emmenthaler cheese,
 - (vi) Gouda cheese, and
 - (vii) granular or stirred curd cheese;
 - (c) ice cream, including
 - (i) ice cream mix,
 - (ii) sherbet;
 - (d) concentrated milk products for human consumption, other than dry skimmed milk, including
 - (i) condensed milk also known as sweetened condensed milk,
 - (ii) evaporated milk also known as unsweetened condensed milk,
 - (iii) evaporated skim milk including concentrated skim milk and concentrated partly skimmed milk,
 - (iv) dry whole milk also known as milk powder, powdered milk or powdered whole milk,
 - (v) malted milk,
 - (vi) flavoured malted milk,
 - (vii) canned cream, and
 - (viii) dry buttermilk also known as buttermilk powder;
 - (e) concentrated milk products for animal consumption, including
 - (i) dry skimmed milk for animal or poultry food,
 - (ii) dry buttermilk for animal or poultry food, and
 - (iii) dry whey.
48. No person shall
- (a) except with the consent in writing of the Minister export from Canada, or

- (b) send or convey from one province to another, any dairy product to which this Part applies, unless that dairy product
- (c) complies with the standards of composition,
- (d) was produced in accordance with the conditions, and
- (e) is packed and marked in the manner prescribed for that dairy product in this Part.

DIVISION A

BUTTER

Standards of Composition

49. Dairy butter shall contain

- (a) not more than sixteen per cent by weight of water;
- (b) not less than eighty per cent by weight of milk fat; and
- (c) no fat or oil other than that of milk.

50. Whey butter shall contain

- (a) not more than sixteen per cent by weight of water;
- (b) not less than eighty per cent by weight of milk fat;
- (c) no fat or oil other than that of milk; and
- (d) no milk, creamery butter, dairy butter, or cream separated from milk.

51. Renovated butter or process butter shall be butter that has been melted or clarified or refined in any way and remanufactured into butter, but in no case shall fat or oil other than that of milk be present.

Packing and Marking

52. All packages of dairy butter and whey butter shall be of the full net weight of one-quarter pound, one-half pound, one pound or multiples thereof when

- (a) moulded or cut into prints, blocks, squares or pats; and
- (b) packed in tins or other packages.

53. All packages described in section 52 containing dairy butter or whey butter shall be legibly and indelibly marked with

- (a) a statement of the net weight of the contents expressed in pounds or fractions of a pound; and
- (b) the name and address of either the factory of origin, manufacturer, cutter, jobber, or the wholesale or retail dealer.

54. All packages described in section 52 containing whey butter shall be marked on the main panel of the wrapper or carton with the words "whey butter" in type of

- (a) not less than twelve point face extended capitals (Gothic) for packages weighing less than one pound;
- (b) not less than twenty-four point face extended capitals (Gothic) for packages weighing one pound or more.

55. All packages containing whey butter, other than packages described in section 52, shall be marked on the side thereof with

- (a) a registered number issued by the Minister, in the form and size set forth in Schedule F;
- (b) the words "whey butter";
- (c) the date of manufacture, indicated as, for example, "21/1", the first figure indicating the day of the month and the second figure the month of the year; and
- (d) a churning number, such churning numbers to run consecutively throughout the calendar year, commencing with the number one;

in size of type not less than twenty-four point face extended capitals (Gothic) for packages weighing less than twenty-five pounds, and not less than sixty point face extended capitals (Gothic) for packages weighing twenty-five pounds or more.

56. (1) All packages of dairy butter

- (a) described in section 52 shall be marked on the main panel with the words "Dairy Butter" in size of type not less than twelve point face extended capitals (Gothic) for packages weighing less than one pound, and not less than twenty-four point face extended capitals (Gothic) for packages weighing one pound or more;
- (b) similar to those used for the packing of creamery butter shall be marked on the side of the package with the words "Dairy Butter";
- (c) consisting of a mixture of creamery butter and dairy butter shall be marked with the words "Dairy Butter".

(2) Type used for the marks required by paragraphs (b) and (c) of subsection (1) shall be not less than twenty-four point face extended capitals (Gothic) for packages weighing less than twenty-five pounds, and not less than sixty point face extended capitals (Gothic) for packages weighing twenty-five pounds or more.

57. Each box of butter exported or intended to be exported from Canada shall be reinforced in such a manner that the contents thereof will be adequately protected against damage not of an exceptional or unusual nature or origin.

DIVISION B

CHEESE

Standards of Composition

58. Cheese shall be made by coagulating the casein of milk, skim milk or cream or mixture thereof with rennet, lactic acid or any suitable enzyme or acid, and with or without further processing or the addition of other wholesome ingredients, such as fresh milk solids, ripening ferments, special moulds, emulsifying agents, seasoning or colouring matter, but fat or oil other than that of milk shall not be used.

59. Cream cheese shall be made from curd obtained from the action of either lactic fermentation or rennet or both on cream or milk to which cream has been added and the curd, heated or unheated, salted or unsalted, shall be drained by gravity and light pressure or by any other approved method and shall contain

- (a) not more than fifty-five per cent by weight of water; and
- (b) on a dry basis, not less than sixty-five per cent of milk fat.

60. Process cheese (emulsified cheese) may contain added water, solids derived from milk, permitted preservatives, food colour, seasoning, relishes, condiments, and the finished product shall contain, if manufactured from

- (a) a Cheddar cheese base, not more than forty-three per cent water and, on a dry basis, not less than forty-eight per cent milk fat;
- (b) a cream cheese base and without the addition of seasoning, relishes or condiments, not more than fifty-five per cent of water and, on a dry basis, not less than sixty-five per cent of milk fat;
- (c) a cream cheese base with the addition of seasoning relishes or condiments, not more than sixty per cent of water and, on a dry basis, not less than fifty per cent of milk fat;
- (d) other than a cream cheese base, not more than forty-three per cent water and, on a dry basis, not less than forty-eight per cent milk fat.

61. Skim milk process cheese (skim milk emulsified cheese) shall be process cheese except that on a dry basis it shall contain less than forty-eight per cent of milk fat and not more than forty-three per cent of water.

62. Skim milk cheese shall be cheese that

- (a) contains on a dry basis less than forty-eight per cent of milk fat;
- (b) is made from or by the use of skimmed milk;
- (c) is made from milk from which any fat has been removed; or
- (d) is made from milk to which skimmed milk has been added.

63. Swiss Cheese or Emmenthaler Cheese shall be cheese that is made by the Emmenthaler process, from heated and pressed curd obtained by the action of rennet on whole milk or on standardized milk, that is ripened by special gas-producing bacteria, causing characteristic "eyes" or holes, and that, notwithstanding section 62, contains on a dry basis not less than forty-five per cent of milk fat, and not more than forty-one per cent water.

64. Gouda cheese shall be cheese made by the Gouda process, from heated and pressed curd obtained by the action of rennet on whole milk or on standardized milk the rind of which is coloured with some harmless colouring matter, and the finished product shall, notwithstanding section 62, contain on a dry basis not less than forty-eight per cent of milk fat.

65. Granular or stirred curd cheese shall be cheese that is made from heated and pressed curd obtained by the action of rennet on whole milk but not cheddared as in the cheddar process, and that contains, on a dry basis, not less than forty-eight per cent of the milk fat.

Packing and Marking

66. All package cheese shall be packed in packages containing a full net weight of one-quarter pound, one-half pound, one pound or multiples thereof, except that grated or dehydrated cheese may be packed in packages containing a full net weight of two ounces.

67. (1) All cheese to which this Part applies shall be legibly and indelibly labelled with or packed in packages legibly and indelibly marked with

- (a) a statement of the net weight of the contents expressed in pounds, fractions of a pound or in ounces;
- (b) the name and address of either the manufacturer, jobber or the wholesale or retail dealer; and
- (c) a true and accurate statement as to the name or kind of cheese, or, in the case of process or emulsified cheese the words "Process Cheese" or "Skim Milk Process Cheese" shall be on the main panel of the package.

(2) Skim milk cheese that has not been reprocessed in any way shall be branded on the side thereof with the words "Skim Milk Cheese" and the packages containing such cheese shall be marked with the words "Skim Milk Cheese" before leaving the factory of origin.

(3) Granular or stirred curd cheese that has not been reprocessed in any way shall be branded on the side thereof with the words "Granular Cheese" or "Stirred Curd Cheese", and the packages containing such cheese shall be marked with the words "Granular Cheese" or "Stirred Curd Cheese" before leaving the factory of origin.

(4) The size of type used for all markings required by this section shall be not less than twelve point face extended capitals (Gothic) for cheese weighing less than one pound, not less than twenty-four point face extended capitals (Gothic) for cheese weighing one pound or more but not more than twenty-five pounds and not less than sixty point face extended capitals (Gothic) for cheese weighing more than twenty-five pounds.

DIVISION C

ICE CREAM

including

ICE CREAM MIX AND SHERBET

Standards of Composition

68. Ice cream shall contain

- (a) not less than ten per cent by weight of milk fat;
- (b) not less than thirty-six per cent by weight of food solids;
- (c) not less than one and eight-tenths pounds of food solids per gallon of which amount fifty one-hundredths of a pound shall be milk fat;
- (d) not more than one-half of one per cent by weight of stabilizer; and
- (e) no fat or oil other than that of milk.

69. Ice cream mix shall contain

- (a) not less than ten per cent by weight of milk fat;
- (b) not less than thirty-six per cent by weight of food solids;
- (c) not more than one-half of one per cent by weight of stabilizer;
- (d) no fat or oil other than that of milk.

70. Sherbet shall contain

- (a) not more than five per cent by weight of milk solids including milk fat;
- (b) not more than three-fourths of one per cent by weight of stabilizer;
- (c) not less than thirty-five one-hundredths of one per cent of acid as determined by titrating with standard alkaline solution and expressed as lactic acid; and
- (d) no fat or oil other than that of milk.

Packing and Marking

71. (1) All packages of ice cream or sherbet

- (a) containing five fluid ounces or more shall be of the full net volume of one-quarter pint, one-half pint, one pint or multiples of a pint and shall be legibly and indelibly marked with a true and accurate statement of the net volume expressed in pints, quarts, gallons or fractions thereof;
- (b) containing less than five fluid ounces shall be legibly and indelibly marked with a true and accurate statement of the net volume expressed in terms of fluid ounces;
- (c) shall be legibly and indelibly marked by the manufacturer at the time of packing with the name and address of the manufacturer or the person for whom the product was manufactured;
- (d) shall be legibly and indelibly marked with a true and accurate description of the contents, including the name of the product or products contained therein;
- (e) shall be marked as required by this section in type of not less than twelve point face extended capitals (Gothic) when the net volume is one pint or less and in type of not less than twenty-four point face extended capitals (Gothic) when the net volume is more than one pint.

(2) Without limiting the generality of paragraph (e) of subsection (1) cans or other receptacles used for bulk ice cream or sherbet may be legibly and indelibly marked with the name and address of the manufacturer or the person for whom the product was manufactured in type of a size appropriate to the size of the can or other receptacle.

(3) All packages containing ice cream mix shall be legibly and indelibly marked with

- (a) the name and address of the manufacturer;
- (b) a true and accurate statement of the net contents; and
- (c) the words "Ice Cream Mix".

DIVISION D

CONCENTRATED MILK PRODUCTS FOR HUMAN CONSUMPTION

Standards of Composition

72. Condensed milk (sweetened condensed milk) shall be milk from which water has been evaporated and to which sugar, or dextrose, or both, have been added, with or without Vitamin D, and shall contain

- (a) not less than twenty-eight per cent by weight of milk solids;
- (b) not less than eight per cent by weight of milk fat; and
- (c) no fat or oil other than that of milk.

73. Evaporated milk (unsweetened condensed milk) shall be milk from which water has been evaporated, with or without

- (a) added Vitamin D; or
- (b) disodium phosphate, or sodium citrate, or both, added in a total quantity of not more than 0.1 per cent by weight of the finished product;

and shall contain

- (c) not less than twenty-five and one-half per cent by weight of milk solids;
- (d) not less than seven and eight-tenths per cent by weight of milk fat; and
- (e) no fat or oil other than that of milk.

74. (1) Evaporated skimmed milk (concentrated skimmed milk) shall be milk, with or without added Vitamin D, that has been concentrated to at least one-half its original volume by the removal of the water and from which all or substantially all of the milk fat has been removed, but in no case shall fat or oil other than that of milk be present.

(2) Evaporated skimmed milk from which only part of the milk fat has been removed and which contains less than seven and eight-tenths per cent by weight of milk fat may be designated as evaporated partly skimmed milk (concentrated partly skimmed milk).

75. Dry whole milk (milk powder, powdered milk, powdered whole milk) may contain added Vitamin D, but shall contain

- (a) not less than ninety-five per cent by weight of milk solids;
- (b) not less than twenty-six per cent by weight of milk fat; and
- (c) no fat or oil other than that of milk.

76. Malted milk shall be made by combining whole milk with the liquid separated from a mash of ground barley malt and meal, with or without the addition of salt, sodium bicarbonate, or potassium bicarbonate, in such a manner as to secure the full enzyme action of the malt extract, and upon removal of the water shall contain

- (a) not less than seven and one-half per cent by weight of milk fat;
- (b) not more than three and one-half per cent by weight of water; and
- (c) no fat or oil other than that of milk.

77. Flavoured malted milk shall be malted milk containing a flavouring preparation.

78. Canned cream shall be cream that has been heated without concentration or appreciable loss of volume to a temperature of at least one hundred degrees Centigrade for a length of time sufficient to kill all organisms present, is packed in hermetically sealed containers and contains no fat or oil other than that of milk.

79. Dry buttermilk (buttermilk powder) shall be the product resulting from the removal of water from liquor buttermilk and shall contain

- (a) not more than five per cent by weight of water; and
- (b) no fat or oil other than that of milk.

Packing and Marking

80. (1) All packages of evaporated milk including evaporated skimmed milk and evaporated partly skimmed milk not exported or intended to be exported from Canada shall be of the full net weight of six ounces, one pound or multiples of one pound.

(2) All packages of dry whole milk not exported or intended to be exported from Canada shall be of the full net weight of one-quarter pound, one-half pound, one pound, two and one-half pounds, five pounds or multiples thereof.

81. (1) All packages containing concentrated milk products shall be legibly and indelibly marked with

- (a) a statement of the net weight expressed in ounces or pounds as the case may be;
- (b) the name and address of the manufacturer or packer or the first dealer obtaining them direct from the manufacturer or packer;
- (c) a true and accurate description of the contents, including the name of the product;
- (d) the establishment number assigned to the factory of origin in accordance with section 83, and
- (e) any other markings prescribed by the Minister.

(2) All packages of evaporated partly skimmed milk and canned cream shall be legibly and conspicuously marked with a statement of the percentage content by weight of milk fat, in addition to the markings required by subsection (1).

82. All packages of concentrated milk products for human consumption shall, when exported from Canada, be legibly and indelibly marked with the words "Made in Canada" or "Product of Canada" in addition to other prescribed standards of branding.

83. (1) The Minister may issue an establishment number to any establishment for the processing or packing of concentrated milk products in Canada, if upon the report of an Inspector, the Minister is satisfied that the following conditions with respect to sanitation and operation are being complied with:

- (a) the premises are suitably lighted, ventilated and kept in a clean and sanitary condition;
- (b) all equipment for the processing or packing of the product or products is maintained from day to day in a clean and sanitary condition;
- (c) all operations involved in the preparation and packing of the product or products are carried on from day to day carefully and with strict cleanliness;
- (d) all containers used for packing the product or products are clean and sanitary;
- (e) all employees engaged in the production and handling of the product or products are free from tuberculosis or other communicable diseases, and are dressed in clothes or coverings for clothes that are clean and that can be easily cleaned; and
- (f) all storage space maintained on the premises or adjacent thereto is kept in a clean and sanitary condition and maintained at temperatures suitable for the proper storage of the product or products.

(2) The Minister may for any reason that to him seems sufficient revoke any establishment number issued under subsection (1).

DIVISION E

CONCENTRATED MILK PRODUCTS FOR ANIMAL FOOD

Standards of Composition

84. Dry skimmed milk for animal or poultry food purposes shall be
- (a) dry skimmed milk that when graded under authority of Part I of the Act is found to be of a quality below the requirements of Canada Second Grade;
 - (b) dry skimmed milk manufactured in an establishment that has not received an establishment number from the Minister;
 - (c) dry skimmed milk manufactured in an establishment that has had an establishment number issued in accordance with section 43 cancelled by the Minister; or
 - (d) dry skimmed milk that is not intended for human consumption.
85. Dry buttermilk for animal or poultry food purposes shall be
- (a) dry buttermilk that does not meet the standards of composition prescribed in this Part;
 - (b) dry buttermilk manufactured in an establishment that has not received an establishment number from the Minister;
 - (c) dry buttermilk manufactured in an establishment that has had an establishment number issued in accordance with section 83 cancelled by the Minister; or
 - (d) dry buttermilk that is not intended for human consumption.

Packing and Marking

86. All packages of concentrated milk products for animal and poultry food purposes shall be
- (a) of the full net weight of one pound, five pounds, twenty-five pounds or multiples thereof;
 - (b) new packages of either wood, paper, cotton or jute, and if cotton or jute is used, lined with suitable paper liners;
 - (c) legibly and indelibly marked with
 - (i) the name of the product as described in this Part,
 - (ii) the net weight expressed in pounds,
 - (iii) the name and address of the manufacturer or vendor,
 - (iv) the words "For Animal Food" in type of not less than twenty-four point face extended capitals (Gothic) for packages weighing one pound or more but not more than twenty-five pounds, and not less than sixty point face extended capitals (Gothic) for packages weighing more than twenty-five pounds,
 - (v) in the case of packages to be exported from Canada; the words "Made in Canada" or "Product of Canada", and
 - (vi) such markings as may be required by the Feeding Stuffs Act.

Part III

IMPORTS

Creamery Butter

87. No person shall import into Canada any creamery butter unless
- (a) the butter complies with the standards set forth in Schedule A for the grades for creamery butter established by section 3;
 - (b) the butter is packed in a package of a type approved by the Minister, that is legibly and indelibly identified as to
 - (i) the country of origin,
 - (ii) the name and address of the manufacturer or authorized agent.

- (iii) the date of manufacture,
- (iv) the net weight of the contents thereof; and
- (c) the package is marked with a true and accurate indication of the quality of the butter, expressed in terms customarily used in the country of origin.

Whey Butter

88. No person shall import into Canada any whey butter unless
- (a) the whey butter complies with the standards of composition prescribed by section 50;
 - (b) the butter is packed in a package of a type approved by the Minister, that is legibly and indelibly identified as to
 - (i) the country of origin,
 - (ii) the name and address of the manufacturer or authorized agent,
 - (iii) the date of manufacture,
 - (iv) the net weight of the contents thereof, and
 - (v) the words "Whey Butter" in type at least one inch in height.

Cheese

89. (1) No person shall import into Canada any cheddar cheese unless
- (a) the cheese conforms to the standards set forth in Schedule A for the grades for cheddar cheese established by section 16;
 - (b) the cheese is packed in a package of a type approved by the Minister, that is legibly and indelibly identified as to
 - (i) the country of origin,
 - (ii) the name and address of the manufacturer or authorized agent,
 - (iii) the date of manufacture, and
 - (iv) the net weight of the contents thereof; and
 - (c) the package is marked with a true and accurate indication of the quality of the cheddar cheese, expressed in terms customarily used in the country of origin.
- (2) No person shall import into Canada any cheese other than cheddar cheese unless
- (a) in the case of any cheese for which standards of composition have been prescribed in Part II, the cheese conforms to the standards of composition prescribed in that Part,
 - (b) the cheese is packed in a package that is legibly and indelibly marked with
 - (i) the name of the country of origin,
 - (ii) the name and address of the manufacturer or authorized agent,
 - (iii) the net weight of the contents thereof, and
 - (iv) a true and accurate statement as to the name or kind of cheese and in the case of process or emulsified cheese the words "Process Cheese" or "Skim Milk Process Cheese"; and
 - (c) in the case of package cheese, the cheese is packed in a package containing a full net weight of one-quarter pound, one-half pound, one pound or multiples thereof, except that grated or dehydrated cheese may be packed in a package containing a full net weight of two ounces.

Concentrated Milk Products for Human Consumption

90. (1) No person shall import into Canada any concentrated milk product for human consumption unless
- (a) in the case of a concentrated milk product for which standards of composition have been prescribed in Part II, the product conforms to the standards of composition prescribed in that Part;
 - (b) in the case of dry skimmed milk, the product conforms to the standards set forth in Schedule A for the grades for dry skimmed milk established by section 34;

- (c) the product is packed in a package that is legibly and indelibly marked with
- (i) the name of the country of origin,
 - (ii) the name and address of the manufacturer or authorized agent,
 - (iii) the net weight of the contents thereof,
 - (iv) a true and accurate statement on the main panel as to the name or kind of product, and
 - (v) the process of manufacture in the case of dry whole milk or dry skimmed milk;
- (d) in the case of evaporated milk, including evaporated skimmed milk and evaporated partly skimmed milk, the product is packed in a package containing a full net weight of six ounces, one pound or multiples of one pound; and
- (e) in the case of dry whole milk, the product is packed in a package containing a full net weight of one-quarter pound, one-half pound, one pound, two and one-half pounds, five pounds or multiples thereof.
- (2) No person shall import into Canada any dry skimmed milk that does not comply with the standards set forth in Schedule A for Canada First Grade or Canada Second Grade dry skimmed milk unless the packages thereof are legibly and indelibly marked with the words "For Animal Food" in letters not less than one inch in height.

Concentrated Milk Products for Animal Food

91. No person shall import into Canada any concentrated milk product for animal or poultry food unless that product is

- (a) packed in a new package of either wood, paper, cotton or jute, and if cotton or jute is used, lined with suitable paper liners;
- (b) packed in a package that is legibly and indelibly marked with
 - (i) the name of the country of origin,
 - (ii) the name and address of the manufacturer or authorized agent,
 - (iii) the net weight of the contents thereof,
 - (iv) a true and accurate statement as to the name or kind of product,
 - (v) the words "For Animal Food" in letters not less than one inch in height, and
 - (vi) such markings as may be required by the Feeding Stuffs Act.

Enforcement

92. (1) No person shall import into Canada any dairy product for human consumption unless that product is accompanied by two copies of a declaration by the manufacturer or authorized agent, attested in the country of origin before a Justice of the Peace, notary, or other person authorized so to attest, in the following form:

DECLARATION FOR CUSTOMS ENTRY

Place

Date

To: The Collectors of Customs,
Department of National Revenue,
Canada.

I (or we) hereby declare that the shipment described herein was manufactured from sound, raw materials, that its manufacture was carried on under sanitary conditions, that the products, are at the time of shipment, sound, wholesome and fit for human food, that the containers and packages are accurately identified as to the manufacturer or authorized agent and that the description of the contents is true and correct.

That the shipment is described as follows:

Name and address of the actual manufacturer

Name and address of shipper

Name and address of consignee

Number of packages

Number of containers in each package.....
 Name of product
 Identification marks
 Declared before me this..... day of..... 19....
 Signature of Shipper.....
 (Signature of Justice of the Peace
 or other person authorized to attest)

(2) One copy of the declaration required by subsection (1) shall be attached by the Collector of Customs upon receipt to the B-1 Entry Form and forwarded to the Department of National Revenue in Ottawa, the other copy shall be kept on file by the Collector for a period of one year for inspection by an inspector of the Department of Agriculture.

(3) All officers, as defined in the Customs Act shall, before permitting the export or import of any dairy product, satisfy themselves that all the requirements of the Act and these regulations with respect thereto have been complied with.

93. Subsections three and four of section twenty-six shall come into force on the first day of December, nineteen hundred and fifty-two.

Schedule A

Grade Standards

I Creamery Butter

1. The standards for the grades for creamery butter established by section 3 are as follows:

- (a) *Canada First Grade* creamery butter is creamery butter that contains not more than sixteen per cent water, not less than eighty per cent milk fat and no fat other than that of milk, has a minimum total score of ninety-two points with a minimum score of thirty-nine points for flavour, and has the following characteristics:
 - (i) it is clean with no objectionable flavour,
 - (ii) the texture is firm, close and waxy,
 - (iii) the moisture is well-incorporated,
 - (iv) the colour is true and even and is of a desirable shade,
 - (v) the salt is all dissolved, and
 - (vi) it is packed in clean new boxes which are neatly branded, cleanly lined, solidly packed and neatly finished;
- (b) *Canada Second Grade* creamery butter is creamery butter that does not qualify for *Canada First Grade*, contains not more than sixteen per cent water, not less than eighty per cent milk fat and no fat other than that of milk, has a minimum total score of eighty-seven and a minimum score of thirty-seven for flavour and may have the following characteristics:
 - (i) it is slightly unclean, or unclean in flavour, or is slightly weedy but has no French weed or other pronounced weedy flavours, or is slightly stale, or stale, or slightly metallic, or metallic, or slightly tallowy, or tallowy, or sour, or is bitter as a result of pronounced saltiness or other causes, or has a pronounced woody or other objectionable flavour on the surface or in the butter,
 - (ii) it is weak in texture, or open, greasy, brittle or sticky,
 - (iii) it has free moisture or is leaky,
 - (iv) it is slightly mottled, or mottled in colour, slightly streaky, or streaky, slightly uneven, or uneven, or has any objectionable shade of colour, and
 - (v) the salt is not all dissolved;
- (c) *Canada Third Grade* creamery butter is creamery butter that contains not more than sixteen per cent water, not less than eighty per cent milk fat and no fat other than that of milk, is not classed as Below

Canada Third Grade but has a total score of less than eighty-seven with a score for flavour of less than thirty-seven and may have the following characteristics:

- (i) the flavour is very stale or very sour or very tallowy or fishy or very unclean, very metallic, very yeasty, very musty, very cheesy, or very fruity, or is rancid or pronounced weedy but not French weed or similar types of flavours, or has other objectionable flavours on the surface or in the butter that are too pronounced for Canada Second Grade butter,
 - (ii) the texture is very weak, or is otherwise inferior to Canada Second Grade,
 - (iii) it has a milky moisture,
 - (iv) it is very mottled in colour or very streaky or very uneven, and
 - (v) the salting is exceedingly heavy;
- (d) *Below Canada Third Grade* creamery butter is creamery butter that contains not more than sixteen per cent water, not less than eighty per cent milk fat and no fat other than that of milk, and has any of the following characteristics:
- (i) any very objectionable flavour such as very rancid, garlic, onions, gasoline, kerosene, surface taint, French weed or other strong weedy flavours comparable to French weed,
 - (ii) dirt or foreign matter is found in or on the butter by the grader at the time of grading,
 - (iii) mould has appeared either on the butter itself or on the package, or
 - (iv) it is otherwise inferior to Canada Third Grade.

2. The point scores referred to above are governed by the following table of maximum points:

Characteristics	Maximum Points
Flavour	45 points
Texture	15 "
Incorporation of Moisture	10 "
Colour	10 "
Salting	10 "
Packing	10 "
Total	100 points

II Cheddar Cheese

1. The standards for the grades for cheddar cheese established by section 16 are as follows:

- (a) *Canada First Grade* cheddar cheese is cheese that contains, on a dry basis, not less than forty-eight per cent milk fat, no fat other than that of milk, and has a minimum total score of ninety-two with a minimum score of thirty-nine for flavour and has the following characteristics:
- (i) it is clean with no objectionable flavour,
 - (ii) the texture is firm, smooth and silky,
 - (iii) it is reasonably close,
 - (iv) it has a uniform colour,
 - (v) it is fairly regular in size, the surfaces are sound and well finished and is of a proper size for boxes, and
 - (vi) the cheese and boxes are neatly branded, the cheese has scale boards placed, but not pressed, on both ends and the boxes are clean and sound;
- (b) *Canada Second Grade* cheddar cheese is cheese that does not qualify for Canada First Grade, but contains on a dry basis not less than forty-eight per cent milk fat, no fat other than that of milk, and has a minimum total score of eighty-seven with a minimum score for flavour of thirty-seven, and may have the following characteristics:

- (i) the flavour is fruity, or not clean, or slightly rancid or slightly "off", or "off", or turniplike, or is otherwise objectionable;
 - (ii) the texture is pasty or weak, mealy, acidic or stiff,
 - (iii) it is open or loose, or has ragged or flat holes or slight pin holes, or is slightly gassy,
 - (iv) the colour is uneven, slightly mottled, or it has a mottled or objectionable shade or slight discoloration foreign to the ordinary colour of Canadian Cheddar cheese, and
 - (v) it is irregular in size or not smoothly finished, or the rinds are slightly damaged, by cracking or from other causes, but without conspicuous cracks or decidedly rough appearance;
- (c) *Canada Third Grade* cheddar cheese is cheese that contains on a dry basis not less than forty-eight per cent milk fat, no fat other than that of milk, and is not classed Below Canada Third Grade but has a minimum total score of less than eighty-seven with a score for flavour of less than thirty-seven and may have the following characteristics:
- (i) the flavour is rancid or badly "off" or is otherwise inferior to flavour of Canada Second Grade, excluding the flavours characteristic of cheese Below Canada Third Grade,
 - (ii) the texture is very weak, very acidic, very soft or very stiff,
 - (iii) it is very open, or has gas or swiss holes,
 - (iv) the colour is very uneven or very mottled, or it has a very objectionable shade or any discoloration foreign to the ordinary colour of Canadian Cheddar cheese that is too pronounced for Canada Second Grade, and
 - (v) it is decidedly rough in appearance, has conspicuous cracks or the rinds are damaged from other causes so as to exclude it from Canada Second Grade but not sufficiently damaged to be classed Below Canada Third Grade;
- (d) *Below Canada Third Grade* cheddar cheese is cheese that contains, on a dry basis, not less than forty-eight per cent milk fat, no fat other than that of milk, and has any of the following characteristics:
- (i) any very objectionable flavour such as very sour, gasoline, kerosene, garlic, French weed or other strong weedy flavours comparable to French weed,
 - (ii) the texture is very dry, crumbly, mushy or leaking,
 - (iii) it is extremely open or very porous,
 - (iv) there are white and coloured curds in the same cheese, or it has any other very objectionable discoloration that is foreign to the ordinary colour of Canadian Cheddar cheese.
 - (v) it is seriously damaged by vermin or otherwise, and
 - (vi) it is otherwise inferior to Canada Third Grade or foreign matter is found in it by the grader at time of grading.
2. The standards for the grades for washed curd cheddar cheese established by section 16 are as follows:
- (a) *Canada First Grade* washed curd cheddar cheese is cheese that contains, on a dry basis, not less than forty-eight per cent milk fat, no fat other than that of milk, has a minimum total score of ninety-two with a minimum score of thirty-nine for flavour and has the following characteristics:
- (i) it is clean with no objectionable flavour,
 - (ii) it is smooth and meaty in texture, has a fair to good body, not excessively weak but not firm or stiff,
 - (iii) it is not too open and has no ragged holes or gas holes,
 - (iv) it is of a uniform colour,
 - (v) it is fairly regular in size, the surfaces are sound and well finished and is of a proper size for boxes, and
 - (vi) the cheese and boxes are neatly branded, the cheese has scale boards placed, but not pressed, on both ends and the boxes are clean and sound;

- (b) *Canada Second Grade* washed curd cheddar cheese is cheese that does not qualify for *Canada First Grade*, but contains, on a dry basis, not less than forty-eight per cent milk fat and no fat other than that of milk, has a minimum total score of eighty-seven with a minimum score for flavour of thirty-seven and may have the following characteristics:
- (i) the flavour is fruity or unclean, or slightly rancid, or slightly "off", or "off" or turniplike, or is otherwise objectionable,
 - (ii) the texture is mealy or very weak, very pasty, acidic, or too firm or stiff,
 - (iii) it is very open or very loose, or has bad ragged holes or gas holes,
 - (iv) it is uneven in colour or slightly mottled, or has a shade otherwise objectionable, and
 - (v) it is irregular in size, or not smoothly finished without conspicuous cracks or decidedly rough appearance;
- (c) *Canada Third Grade* washed curd cheddar cheese is cheese that contains, on a dry basis, not less than forty-eight per cent milk fat, no fat other than that of milk, is not classed as *Below Canada Third Grade* but has a total score of less than eighty-seven with a score for flavour of less than thirty-seven and may have the following characteristics:
- (i) the flavour is rancid or very objectionable,
 - (ii) the texture is very firm, very mushy or very acidic but not leaking,
 - (iii) it is porous, or very gassy or very ragged,
 - (iv) the colour is very uneven or very mottled,
 - (v) it is decidedly rough in appearance, has conspicuous cracks or the rinds are damaged from other causes so as to exclude it from *Canada Second Grade*, but not sufficiently damaged to be classed *Below Canada Third Grade*, and
 - (vi) it is otherwise inferior to *Canada Second Grade*;
- (d) *Below Canada Third Grade* washed curd cheddar cheese is cheese that contains, on a dry basis, not less than forty-eight per cent milk fat, no fat other than that of milk and has any of the following characteristics:
- (i) any very objectionable flavour such as very sour, gasoline, kerosene, garlic, or French weed or other strong weedy flavours comparable to French weed,
 - (ii) the texture is crumbly or very dry or very acidic or is leaking,
 - (iii) it is very porous,
 - (iv) there are white and coloured curds in the same cheese, or it has any other very objectionable discoloration that is foreign to the ordinary colour of Canadian Cheddar cheese,
 - (v) it is seriously damaged by vermin or otherwise, and
 - (vi) it is otherwise inferior to *Canada Third Grade* or foreign matter is found in it by the grader at the time of grading.

3. The point scores referred to above are governed by the following table of maximum points:

<i>Characteristics</i>	<i>Maximum Points</i>
Flavour	45 points
Texture	25 "
Closeness	15 "
Colour	10 "
Finish	5 "
Total	100 points

III Dry Skimmed Milk

1. The standards for the grades for dry skimmed milk established by section 34 are as follows:

- (a) dry skimmed milk of each grade shall comply with the following standards:

- (i) it shall be reasonably uniform in composition and the colour shall be white or light cream and substantially free from brown specks,
 - (ii) its flavour and odour, before or after reconstitution, shall be sweet and clean and free from any objectionable flavour or odour,
 - (iii) it shall have an acidity on reconstitution of not less than eleven one-hundredths of one per cent (expressed as lactic acid),
 - (iv) it may contain added Vitamin D,
 - (v) it shall contain not less than ninety-five per cent by weight of milk solids, and
 - (vi) it shall contain no fat other than that of milk;
- (b) *Canada First Grade Dry Skimmed Milk* is dry skimmed milk that
- (i) complies with the standards set forth in paragraph (a),
 - (ii) is entirely free from hard lumps and from any scorched or storage flavour or odour before or after reconstitution, and
 - (iii) when analysed in accordance with a method prescribed by the Minister, meets the following standards of composition:

	<i>Spray Process</i> <i>not to exceed</i>	<i>Roller Process</i> <i>not to exceed</i>
Fat	1.2 per cent	1.2 per cent
Moisture	4.0 per cent	4.0 per cent
Acidity (Reconstituted Basis)	0.15 per cent	0.15 per cent
Solubility Index	1.2 ml.	.....
Bacteria (Reconstituted Basis)	10,000 per ml.	10,000 per ml.
Sediment	Disc. No. 3	Disc. No. 3

- (c) *Canada Second Grade Dry Skimmed Milk* is dry skimmed milk that
- (i) complies with the standards set forth in paragraph (a),
 - (ii) is reasonably free from hard lumps and has only a slight scorched or storage flavour or odour before or after reconstitution; and
 - (iii) when analysed in accordance with a method prescribed by Minister, meets the following standards of composition:

	<i>Spray Process</i> <i>not to exceed</i>	<i>Roller Process</i> <i>not to exceed</i>
Fat	1.5 per cent	1.5 per cent
Moisture	5.0 per cent	5.0 per cent
Acidity (Reconstituted Basis)	0.17 per cent	0.17 per cent
Solubility Index	2.0 ml.	.....
Bacteria (Reconstituted Basis)	30,000 per ml.	30,000 per ml.
Sediment	Disc. No. 4	Disc. No. 4

Schedule B

Box Specifications

I Creamery Butter Boxes

1. Class I Specifications

- (a) *Design*: the boxes shall be new, and shall be of either dove-tail, lock-corner, or rabbeted corner double-nailed design;
- (b) *Dimensions*: boxes shall be twelve and one-half inches wide, twelve and one-half inches long and eleven and one-quarter inches high, inside measurement;
- (c) *Quality of Lumber*: only well seasoned and sound spruce or balsam lumber free from bark, worm holes, knot holes and loose knots shall be used;
- (d) *Reinforcement of Covers*: each cover shall be reinforced by means of two hardwood slip tongues of at least one-eighth of an inch in thickness by one-half of an inch in width, glued and driven into the ends of the covers, or securely fastened by metal staples;

- (e) *Joints*: not more than two pieces shall be used in ends of boxes, not more than three pieces in sides of boxes, and not more than four pieces in tops and bottoms of boxes; joints of pieces in sides, ends and bottoms shall be tongued and grooved, and glued, joints of ends and sides shall be properly broken not less than one inch apart; and joints of ends of boxes shall be strengthened by two steel corrugated fasteners applied on the inside of the box and driven at least one-sixteenth of an inch under the surface of the lumber; where a Linderman joint is used, the corrugated metal fasteners may be omitted;
- (f) *Nailing*: not less than one nail in each side and six nails in each end shall be used in fastening bottoms containing three pieces of lumber, and not less than one nail in each side and seven nails in each end shall be used in fastening bottoms containing four pieces of lumber; nails to be one and one-quarter inches long, not less than fifteen gauge, and cement coated or chemically etched;
- (g) *Covers*: covers shall be applied with the grain of the wood in the cover running in the same direction as in the bottom; no hook fasteners shall be used, and covers shall be secured by not less than four nails in each end of covers; only box nails cement coated or chemically etched one and one-half inches long and not less than fifteen gauge shall be used for the purpose;
- (h) *Coating*: the inside of the box and of the covers shall be well coated or treated with paraffin or some other preparation approved by the Minister;
- (i) in addition to the foregoing specifications, boxes of lock-corner and dove-tail designs shall also comply with the following specifications:
 - (i) boxes shall be of lumber, surfaced on two sides; the ends shall be not less than one-half of an inch in thickness and the top, sides and bottom not less than three-eighths of an inch in thickness,
 - (ii) tenons shall be cut smooth and insides of corners shall be free of slivers, corners shall be glued and well pressed into place, and
 - (iii) the outer side of corners shall be dressed on a sand wheel and boxes shall be of good workmanship and finish;
- (j) in addition to the specifications contained in paragraphs (a) to (h), boxes of double-nailed rabbeted-corner design shall also comply with the following specifications:
 - (i) boxes shall be of lumber, surfaced on two sides and not less than nine-sixteenths of an inch in thickness for the ends, not less than three-eighths of an inch in thickness for the sides, cover and bottom, after surfacing,
 - (ii) the ends of the box overlapping the sides shall be not less than three-sixteenths of an inch in thickness,
 - (iii) one and three-quarter inches cement coated or chemically etched nails of not less than fifteen gauge shall be used with not less than ten nails to each corner, and the nails at the top of the corners shall be placed as close to the top of the wood as is practicable, and
 - (iv) corners shall be free of slivers and boxes shall be of good workmanship and finish.

2. Class II Specifications:

- (a) the box although not new is clean, sound and in good condition, free from any rough, uneven outside surfaces, or any corners and joints that are sprung, open or weakened in any way, or any sides, ends, bottoms or tops that are split, cracked or broken, or any inside

coating of paraffin or other approved preparation that is chipped, peeled, or otherwise damaged so as not to cover completely and adequately the inside surface of the box;

- (b) in all other respects it complies with Class I specifications as set forth herein, except that the thickness of material, exclusive of the hardwood slip tongues of the cover, may be reduced by sanding, scraping or other methods of reconditioning by not more than one-sixteenth of an inch, and the nails used for fastening covers may be plain.

II Cheddar Cheese Boxes

For the purposes of sections 19 and 20, the following specifications for cheese boxes are hereby prescribed:

- (a) the boxes shall be made from good, sound wood;
- (b) tops and bottoms (headings) shall be thoroughly seasoned, not less than five-eighths of an inch in thickness, and shall consist of not more than three pieces if not tongued and grooved, and not more than four pieces if tongued and grooved;
- (c) hoops and bands shall be not less than one-fifth of an inch in thickness;
- (d) hoops shall overlap at joint not less than five inches and be fastened with staples or nails not more than one inch apart and firmly clinched on the inside;
- (e) bands shall be nailed to the headings (tops and bottoms), as follows: one nail to each side of every joint, with additional nails not more than four inches apart;
- (f) bottom bands shall be not less than one and one-half inches in width, and top bands not less than three inches in width;
- (g) nails in the laps of the narrow bands of the covers and bottoms of the boxes shall penetrate the heading at right angles to the grain thereof; and
- (h) covers shall fit closely and be placed on the boxes so that the laps of the bands of the covers shall be even with the laps of the bodies of the boxes.

III Dry Skimmed Milk Packages

For the purposes of sections 36 and 37, the following specifications for packages of dry skimmed milk are hereby prescribed:

- (a) the packages shall be of the following kinds:
 - (i) boxes or cartons,
 - (ii) wooden barrels, new and properly headed,
 - (iii) metal drums with tight-fitting covers, or
 - (iv) such other packages as the Minister may prescribe;
- (b) all packages shall be clean and sound throughout;
- (c) all packages shall provide adequate protection against undue absorption of moisture and other foreign matter; and
- (d) all packages shall contain a full net weight of at least twenty-five pounds when packed.

Schedule C

Reinforcement of Boxes

I Creamery Butter Boxes

For the purpose of section 5, each box shall be

- (a) reinforced by two metal bands, one of which shall be applied around the centre of the box and over the lap of the cover, and the other around the centre of the box at right angles thereto; these bands may be of unannealed flat metal strapping or of galvanized open-hearth hard-drawn

wire, each band having a minimum tensile strength of three hundred and fifty pounds with an elongation of not more than fourteen per cent when measured between gauge marks placed ten inches apart upon the strapping before testing;

- (b) the reinforcing bands shall be tightly drawn and shall be fastened in such a manner that the joint shall have a breaking strength of not less than two hundred and sixty pounds, tested in accordance with the following rules:
 - (i) specimens for tensile strength and joint strength tests shall be taken from the same sample of material,
 - (ii) all specimens shall be cut approximately eighteen inches long,
 - (iii) specimens for the joint strength tests shall have the joint located approximately in the centre of the specimen,
 - (iv) the rate of applying the load to the test specimen shall be one-quarter inch per minute plus or minus ten per cent,
 - (v) the distance between the jaws of the testing machine with the specimen ready for testing shall not be less than eleven inches, and
 - (vi) if the fracture of any test specimen occurs in the jaws of the testing machine and the breaking load is less than that specified, additional test specimens shall be taken from the same sample of material until failure between the gauge marks has occurred.

II Cheddar Cheese Boxes

For the purpose of section 19, each box shall be reinforced as follows:

- (a) two metal bands shall be used, one of which shall be applied around the centre of the box and over the lap of the cover and the other at right angles thereto; the bands may be of unannealed flat metal strapping or of galvanized open-hearth hard-drawn wire, each having a minimum tensile strength of three hundred and fifty pounds with an elongation of not more than fourteen per cent when measured between gauge marks placed ten inches apart upon the strapping before testing;
- (b) the reinforcing bands shall be tightly drawn and shall be fastened in such a manner that the joint shall have a breaking strength of not less than two hundred and sixty pounds tested in accordance with the following rules:
 - (i) specimens for tensile strength and joint strength tests shall be taken from the same sample of material,
 - (ii) all specimens shall be cut approximately eighteen inches long,
 - (iii) specimens for the joint strength tests shall have a joint located approximately in the centre of the specimen,
 - (iv) the rate of applying the load to the test specimen shall be one-quarter inch per minute plus or minus ten per cent,
 - (v) the distance between the jaws of the testing machine with the specimen ready for testing shall not be less than eleven inches, and
 - (vi) if the fracture of any test specimen occurs in the jaws of the testing machine and the breaking load is less than that specified, additional test specimens shall be taken from the same sample of material until failure between the gauge marks has occurred.

Schedule D

FORM OF GRADE CERTIFICATES

I CREAMERY BUTTER

SCHEDULE D
FORM NO. 1

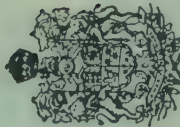
ANNEXE D
FORMULE N° 1

DEPARTMENT OF AGRICULTURE
MINISTÈRE DE L'AGRICULTURE

OTTAWA, ONT.

MARKETING SERVICE
SERVICE DES MARCHÉS

DAIRY PRODUCTS DIVISION
DIVISION DES PRODUITS LAITIERS



CERTIFICATE FOR CANADA GRADE CREAMERY BUTTER
CERTIFICAT FOUR BEURRE DE FABRIQUE CANADA CATÉGORIE

NUMBER OF BOXES
NOMBRE DE BOÎTES
SCORE FOR FLAVOUR
POINTS POUR LA SAVEUR
GRADED AT
CLASSÉ À

CHURNING NUMBERS
NUMÉROS DE BARRATAGE

TOTAL SCORE
TOTAL DES POINTS

COLOUR
COULEUR

PER CENT SALT
POURCENTAGE DE SEL

STORED AT
ENTRÉPOSÉ À

DATE
DATE

BY
PAR

DAIRY PRODUCE GRADER

CLASSIFICATEUR DES PRODUITS LAITIERS

DEFECTS IN BUTTER
DÉFAUTS DU BEURRE

FLAVOUR
SAVEUR
TEXTURE
TEXTURE
INC. OF MOISTURE
INC. D'EAU
COLOUR
COULEUR
SALT
SALAGE
PACKING
EMBALLAGE

II Creamery Butter packed in boxes previously used.

ANNEXE D
FORMULE N° 2

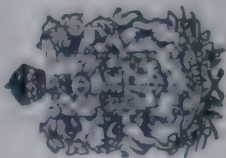
SCHEDULE D
FORM NO. 2

DEPARTMENT OF AGRICULTURE
MINISTÈRE DE L'AGRICULTURE

DAIRY PRODUCTS DIVISION
DIVISION DES PRODUITS LAITIERS

OTTAWA, ONT.

MARKETING SERVICE
SERVICE DES MARCHÉS



CERTIFICATE FOR CANADA FIRST GRADE CREAMERY BUTTER
CERTIFICAT POUR BEURRE DE FABRIQUE CANADA CATÉGORIE N° 1

PACKED IN BOXES PREVIOUSLY USED
EMBALLÉ DANS DES BOÎTES QUI ONT DÉJÀ SERVI

NUMBER OF BOXES NOMBRE DE BOÎTES	REGISTERED NO. N° D'ENREG.	LOT NO. N° DU LOT	CHURNING NUMBERS NUMÉROS DE BARRATAGE	COLOUR COULEUR	PER CENT SALT POURCENTAGE DE SEL	STORED AT ENTREPOSÉ À
SCORE FOR FLAVOUR POINTS POUR LA SAVEUR		TOTAL SCORE TOTAL DES POINTS				
GRADED AT CLASSÉ À		DATE DATE		BY PAR		

DAIRY PRODUCE GRADER CLASSIFICATEUR DES PRODUITS LAITIERS

NOTE: CREAMERY BUTTER PACKED IN BOXES PREVIOUSLY USED IS NOT, UNDER THE CANADA DAIRY PRODUCTS REGULATIONS, ELIGIBLE FOR EXPORT FROM CANADA.

REMARQUE: EN VERTU DES RÈGLEMENTS SUR LES PRODUITS LAITIERS DU CANADA, LE BEURRE DE FABRIQUE EMBALLÉ DANS DES BOÎTES QUI ONT DÉJÀ SERVI N'EST PAS ADMISSIBLE À L'EXPORTATION EN DEHORS DU CANADA.

DEFECTS IN BUTTER
FLAVOUR
SAVEUR
TEXTURE
TEXTURE
INC. OF MOISTURE
INC. D'EAU
COLOUR
COULEUR
SALT
SALAGE
PACKING
EMBALLAGE

III Cheddar Cheese

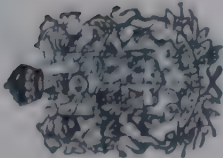
SCHEDULE D
FORM NO. 3

ANNEXE D
FORMULE N° 3

DEPARTMENT OF AGRICULTURE
MINISTÈRE DE L'AGRICULTURE

OTTAWA, ONT.

DAIRY PRODUCTS DIVISION
DIVISION DES PRODUITS LAITIERS



MARKETING SERVICE
SERVICE DES MARCHÉS

CERTIFICATE FOR CANADA GRADE CHEDDAR CHEESE
CERTIFICAT POUR FROMAGE CHEDDAR CANADA CATÉGORIE

NUMBER OF BOXES
NOMBRE DE BOÎTES

COLOUR
COULEUR

REGISTERED NO.
N° D'ENREG.

LOT NO.
N° DU LOT

SCORE FOR FLAVOUR
POINTS POUR LA SAVEUR

TOTAL SCORE
TOTAL DES POINTS

VAT NUMBERS
NUMÉROS DE BASSIN

DATE MANUFACTURED
DATE DE LA FABRICATION

SHADE
NUANCE

STORED AT
ENTREPOSÉ À

GRADED AT
CLASSÉ À

DATE
DATE

BY
PAR

CLASSIFICATEUR DES PRODUITS LAITIERS

DAIRY PRODUCE GRADER

FLAVOUR
SAVEUR

TEXTURE
TEXTURE

CLOSENESS
COMPACTITÉ

COLOUR
COULEUR

FINISH
FINI

BOXES AND BOXING
BOÎTES ET EMBALLAGE

DEFECTS IN CHEESE
DÉFAUTS DU FROMAGE

Schedule E

Form of Application for Registration of a Factory

APPLICATION FOR REGISTRATION OF A CREAMERY, CHEESE FACTORY AND A
FACTORY WHERE DRY SKIMMED MILK OR CONCENTRATED MILK
PRODUCTS FOR HUMAN CONSUMPTION ARE MANUFACTURED
OR REPACKED

- 1. (a) Name of factory
- (b) State whether creamery, cheese factory, factory where dry skimmed milk
 or concentrated milk products for human consumption are manufactured
 or repacked
- (c) Have you a Provincial licence to operate this factory?
- 2. Where situated:—
 - (a) Province
 - (b) County
 - (c) Township or parish
 - (d) Post Office
- 3. Name of owner
- Post Office Address
- If a Limited Company, Joint Stock Company or Co-operative Association
 state:—
- Name of Secretary or Manager
- Post Office Address

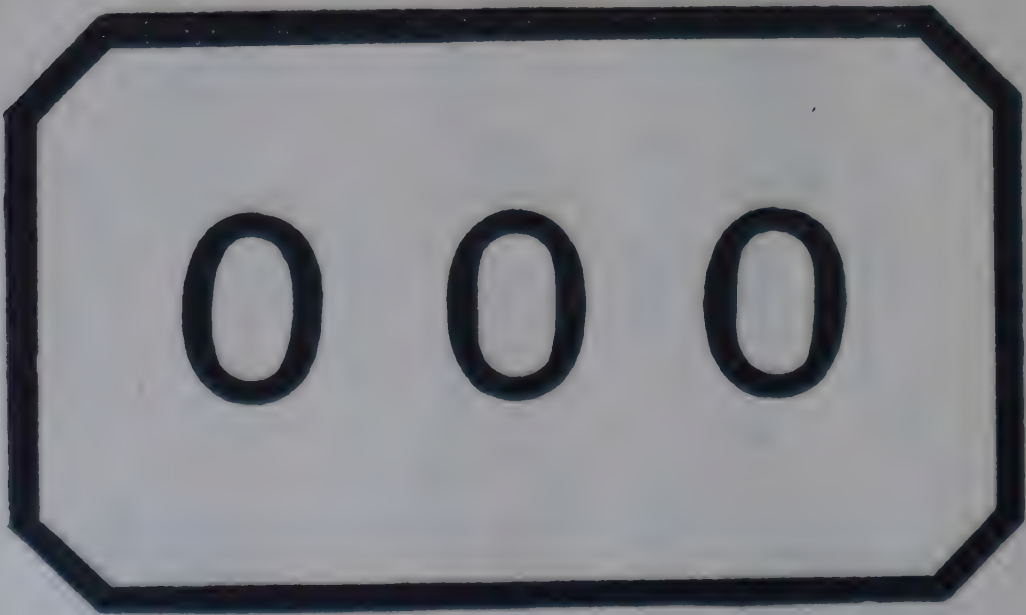
The above is certified correct.

.....	Owner, Secretary or Manager.
.....	Title.
.....	Post Office Address
Witness	
.....	Post Office Address
Witness	
.....	Post Office Address

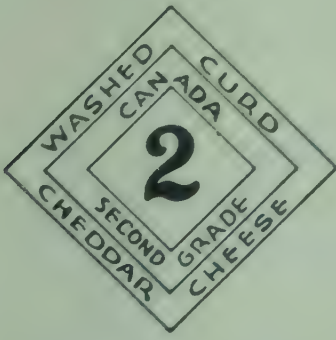
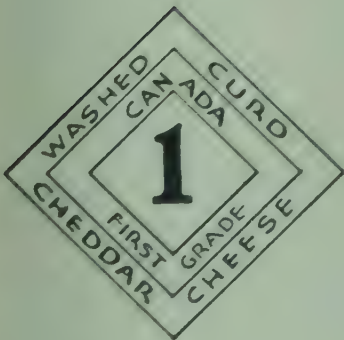
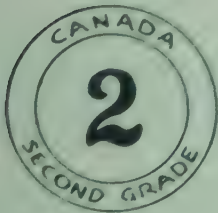
Schedule F

Factory Registration Numbers

Form and size of type (60 point face extended capitals—Gothic), of stencil
or stamp to be used in applying the registered number on a cheese, and on
packages containing cheese or butter of a net weight of more than twenty-five
pounds.



Schedule G
Grade Marks



Cheddar Cheese Brands

20/3	CANADA	CANADA
1952	CANADA	CANADA
000	CANADA	CANADA
405	CANADA	CANADA

- (1) All figures in the die showing the date of manufacture, the registered number and the vat number shall be placed as shown immediately above and shall be of a size not less than 60 point face extended capitals, bold face, (Gothic).
- (2) All letters in the word "Canada" shall be of a size of 36 point face extended capitals, bold face (Gothic). The over-all length of the word "Canada" shall be two and three-quarter inches.
- (3) The word "Canada" shall appear fifty-eight times in two rows, each of which shall contain the word "Canada" twenty-nine times, spaced equidistant in a length of forty-two inches, the distance between the two rows to be two and five-eighths inches.

FISHERIES LEGISLATION

Explanatory Note

As explained in Chapter 3, there have been enacted under the authority of "The Meat and Canned Foods Act—Regulations Governing the Inspection of Canned Fish and Shell Fish and the Operation of Canneries". These Regulations are under the provisions of "The Fisheries Act" administered by the federal Department of Fisheries. They are, however, reproduced with the Regulations made under "The Meat and Canned Foods Act" in order to keep all regulations thereunder intact. The reader is accordingly referred to text of The Meat and Canned Foods Act and Regulations thereunder for matters pertaining to canned fish and shell fish.

In addition to the Regulations respecting canned fish and shell fish which are mentioned above, the following statutes, which are likewise administered by the Department of Fisheries, pertain to the subject of fish and fish inspection at the federal level. The reader is referred to the explanation which is given in Chapter 3 respecting the two statutes which are reproduced herein. The first of these is entitled "The Fish Inspection Act, 1949", and the other "The Fish Inspection Act, 1914".

Section 21 of the former provides for its coming into force on proclamation and on being brought into force, Section 20 provides that "The Fish Inspection Act, 1914" shall be repealed.

It is considered appropriate to reproduce both statutes but when "The Fish Inspection Act, 1949" is proclaimed, it will automatically replace "The Fish Inspection Act, 1914".

THE FISH INSPECTION ACT, 1949

R.S.C. 1952, c. 118

AN ACT respecting the Inspection of Fish and Marine Plants.

Short Title

Short title.

1. This Act may be cited as the *Fish Inspection Act, 1949*. (2nd Sess.), c. 23, s. 1.

Interpretation

Definitions.

2. In this Act,

"container."

(a) "container" includes any type of receptacle or package used in packing or marketing fish;

"establishment."

(b) "establishment" means any place where fish are processed for export or stored for export;

"fish."

(c) "fish" means any fish, including shellfish and crustaceans, and marine animals, and any parts, products or by-products thereof;

"inspection certificate."

- (d) "inspection certificate" means a certificate of inspection issued under this Act;

"inspector."

- (e) "inspector" means an inspector appointed under this Act;

"marine plant."

- (f) "marine plant" includes Irish moss, kelp, and other salt water plants, and the products and by-products thereof;

"Minister."

- (g) "Minister" means the Minister of Fisheries; and

"processing."

- (h) "processing" includes cleaning, filleting, smoking, salting, icing, packing, freezing, cooking, pickling, drying or preparing fish for market in any other manner. 1949 (2nd Sess.), c. 23, s. 2.

PART I—FISH AND FISH CONTAINERS

Regulations.

3. The Governor in Council may for the purpose of regulating the export or import of fish and containers make regulations

- (a) prescribing grades, quality and standards of fish;
- (b) respecting the processing, storing, grading, packaging, marking, transporting and inspection of fish;
- (c) respecting the quality and specifications for containers of fish and the marking and inspection of such containers;
- (d) requiring the registration of establishments and the licensing of persons engaged as principals or agents in the export or import of fish or containers;
- (e) prescribing the requirements for the equipment and sanitary operation of establishments, of premises operated by an importer for the purpose of importing fish, and of any boats, vehicles or other equipment used in connection with an establishment or in connection with fishing or the import or export of fish;
- (f) prescribing fees for registration of establishments, issue of licenses and grading and inspection services;
- (g) prohibiting the sale or offering for sale or holding in possession for sale of any fish or containers under any grade name or standard prescribed by the regulations under this Part unless all the requirements of this Part and the regulations thereunder with respect thereto have been complied with, or under any name calculated to mislead or deceive;
- (h) prescribing the manner in which samples of any fish may be taken; and
- (i) prohibiting or restricting any export or import or any attempt or offer to export or import any fish or containers unless all the requirements of this Part and the regulations thereunder with respect thereto have been complied with. 1949 (2nd Sess.), c. 23, s. 3.

Powers of inspectors.

4. (1) An inspector may at any time

- (a) enter any place or premises, or any steamship, vessel or boat, or any railway car, truck, carriage, car, aircraft or other vehicle used for the carriage or storage of fish and may open any container that he has reason to believe contains fish,
- (b) require to be produced for inspection or for the purpose of obtaining copies thereof or extracts therefrom any books, shipping bills, bills of lading, or other documents or papers, and
- (c) take any samples for inspection.

Interference with inspector.

(2) No person shall obstruct, impede or refuse to admit an inspector or other person acting in execution of this Part or any regulation thereunder and no person shall aid or assist any person in obstructing, impeding or refusing to admit such inspector or other person. 1949 (2nd Sess.), c. 23, s. 4.

Appeal to Minister.

5. A person interested in a decision of an inspector in respect of any inspection, grading, marking or other matter under this Part or the regulations thereunder may appeal to the Minister in accordance with the procedure prescribed by the Governor in Council. 1949 (2nd Sess.), c. 23, s. 5.

Inspectors may administer oaths.

6. For the purposes of this Part, inspectors may administer oaths and take and receive affidavits, declarations and affirmations. 1949 (2nd Sess.), c. 23, s. 6.

Seizure of fish and containers.

7. (1) Whenever an inspector believes on reasonable grounds that an offence against this Part or any regulation thereunder has been committed, he may seize all fish and containers by means of or in relation to which he reasonably believes the offence was committed.

Detention of seized fish and containers.

(2) All fish and containers seized pursuant to subsection (1) may be detained for a period of two months following the day of seizure; unless during that period proceedings under this Part in respect of those fish and containers are undertaken, in which case the fish and containers may be further detained until such proceedings are finally concluded.

Forfeiture.

(3) Where a person is convicted of an offence against this Part or any regulation thereunder, the fish and containers by means of or in relation to which the offence was committed, upon such conviction, in addition to any penalty imposed, are forfeited to Her Majesty and may be disposed of as the Minister may direct. 1949 (2nd Sess.), c. 23, s. 7.

Arrest without warrant.

8. (1) An inspector or constable may arrest without a warrant any person found committing an offence under this Part and shall forthwith take any person so arrested before a justice of the peace to be examined and dealt with according to law.

Limited detention.

(2) A person arrested pursuant to subsection (1) shall not be detained in custody longer than twenty-four hours without an order of a justice of the peace. 1949 (2nd Sess.), c. 23, s. 8.

Unlawful alteration of documents.

9. (1) No person shall falsify or unlawfully alter, destroy, erase or obliterate any declaration, inspection certificate or other document made or issued under this Part or the regulations thereunder or any marks placed on any containers pursuant to this Part or the regulations thereunder.

Offence. Penalty.

(2) Every person who violates subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not less than fifty dollars and not exceeding five hundred dollars or to imprisonment for a term of not less than two months and not exceeding six months or to both fine and imprisonment. 1949 (2nd Sess.), c. 23, s. 9.

Dealing in unwholesome fish.

10. (1) No person shall import, export, sell for export or have in his possession for export any fish intended for human consumption unless the fish is wholesome and fit for human food.

Offence. Penalty.

(2) Every person who violates subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not less than one hundred dollars and not exceeding five hundred dollars or to imprisonment for a term of not less than three months and not exceeding six months or to both fine and imprisonment. 1949 (2nd Sess.), c. 23, s. 10.

Offences and penalty generally.

11. Every person who violates any of the provisions of this Part or the regulations thereunder for which no penalty is elsewhere provided in this Part is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. 1949 (2nd Sess.), c. 23, s. 11.

PART II—MARINE PLANTS*Marine plants. Conditions for export.*

12. No person shall export any marine plant in respect of which regulations have been made under this Part, unless it is inspected, graded, marked or designated, and labelled in accordance with such regulations. 1949 (2nd Sess.), c. 23, s. 12.

Regulations.

13. The Governor in Council may make regulations

- (a) prescribing standards of grade, class or quality for marine plants and the names or marks that may be used to designate such grade, class or quality;
- (b) providing for inspection, grading and labelling of marine plants, the form, issue and use of inspection certificates, and prescribing inspection fees; and
- (c) generally for carrying any of the purposes or provisions of this Part into effect. 1949 (2nd Sess.), c. 23, s. 13.

Certificate to be proof of facts.

14. (1) Every inspection certificate is *prima facie* evidence of the facts therein stated and is receivable in evidence without proof of any signature or the official character of any person appearing to have signed it.

Certificate to be attached to marine plant for which issued.

(2) No person shall attach or apply any inspection certificate to any marine plant unless the inspection certificate was issued with respect to such marine plant.

Alteration or falsification.

(3) No person shall alter or falsify any inspection certificate. 1949 (2nd Sess.), c. 23, s. 14.

Offence and penalty.

15. Every person who violates any provision of this Part or any regulation thereunder is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. 1949 (2nd Sess.), c. 23, s. 15.

PART III—GENERAL*Application.*

16. This Act applies to the shipment of fish or marine plants from one province to another as though the shipment from a province were an export and the shipment into a province were an import. 1949 (2nd Sess.), c. 23, s. 16.

Appointment of inspectors, etc.

17. (1) Such inspectors and other officers, clerks and employees as are necessary for the proper administration of this Act shall be appointed in the manner authorized by law.

1949 (2nd Sess.), c. 23, s. 17.

- (c) "fish" means the fish to which this Act applies and extends, and includes shellfish and crustaceans; 1945, c. 21, s. 1.

"Inspecting officer."

(d) "inspecting officer" means an officer appointed under this Act;

"Minister."

(e) "Minister" means the Minister of Marine and Fisheries;

"Regulations."

(f) "regulations" means regulations made under the provisions of this Act, 1920, c. 48, s. 1.

Application

Application of Act.

3. 1. This Act shall apply to pickled herring, pickled alewives, pickled mackerel and pickled salmon, other than mild cured salmon, and the containers used, or intended to be used, for packing and marketing such fish. 1930, c. 22, s. 1. 1932, c. 31, s. 1.

Extension of application of Act. Fish oils.

2. The Governor in Council may at any time order that this Act or any one or more of the provisions of this Act specified in such order, shall extend and apply to any other kinds of fish, whether pickled or not, to fish oils and to the containers used or to be used for packing and marketing such fish and oils, also to fish curing establishments and places where fish are cleaned, salted, smoked, dried or otherwise prepared for market, except by canning. 1929, c. 43, s. 2. 1930, c. 22, s. 2.

Not to apply to fish packed in cans.

3. This Act or any of the provisions hereof shall not extend or apply to, and shall not be extended or made to apply to, fish packed in cans or other hermetically sealed containers.

Not to apply to fish packed by fishermen for own use.

4. This Act shall not apply, or extend to any fish packed by fishermen or other persons for their own use and not for sale or intended to be used for any other commercial purpose. 1920, c. 48, s. 1.

Regulations.

4. The Governor in Council may make regulations

- (a) prescribing the material to be used for containers of fish, the sizes of such containers and how they shall be made and marked;
- (b) prescribing how containers not in accordance with the requirements shall be dealt with;
- (c) prescribing the requirements as to the quality and weight of fish in the containers, and how and by whom containers in which fish are packed shall be marked;
- (d) prescribing the time and place, and the manner in which containers and fish may be inspected;
- (e) prescribing how incorrectly marked fish shall be marked or re-marked;
- (f) deemed by him to be necessary or convenient for carrying out the provisions of this Act;
- (g) to prescribe the size or sizes of containers in which oysters may be shipped or taken from any province in Canada, and how such containers shall be marked;
- (h) to provide for the grading and inspection of oysters;
- (i) to prescribe how incorrectly marked containers of oysters shall be re-marked and dealt with;
- (j) respecting the processing and marking of fish to be packed in containers. 1945, c. 21, s. 2.

Publication.

2. All regulations made hereunder shall take effect from the date mentioned therein for the purpose, and shall be published in *The Canada Gazette*. 1920, c. 48, s. 1. 1929, c. 43, s. 2.

Appointment by officers.

5. There may be appointed in the manner authorized by law a general inspector and such other officers as are necessary for carrying out the provisions of this Act, 1914, c. 45, s. 4.

Oath of office.

6. Every inspecting officer appointed for the purpose of this Act shall, previous to his entering upon the duties of his office, take and subscribe to the following oath:—

I, _____ of _____ in the county of _____ in the province of _____ do swear that I will faithfully and honestly execute the office and trust committed to me of (name the office), and that I will not either directly or indirectly, engage in or in anywise carry on the business of trading or dealing in fish barrels or fish during my term of office as _____

. So help me God. 1914, c. 45, s. 5.

Inspecting officers may be appointed commissioners.

7. The Governor in Council may appoint inspecting officers to be commissioners to administer oaths and to take and receive affidavits, declarations and affirmations for all the purposes of this Act. 1914, c. 45, s. 14.

Containers must be inspected.

8. 1. All containers used for packing such fish as come under the provisions of this Act and such other fish as may hereafter come under its provisions, shall be made and marked by the maker in accordance with the regulations, and such containers shall not be used, sold, bought or shipped unless they have been inspected and marked by an inspecting officer. Provided that boxes for smoked herring and boxes for dry salted herring need not be inspected and marked until they have been packed and made ready for shipment.

Fish must be inspected.

2. Such fish as come under the provisions of this Act shall be cured, graded and packed, and the containers thereof marked by the packer in accordance with the regulations, and such fish shall not be sold, bought or shipped unless they have been inspected and the containers thereof marked by an inspecting officer.

Trade mark or device.

3. Nothing herein contained shall prevent any person from using a distinctive trade mark or device on any container: Provided that such trade mark or device does not obliterate or obscure the marks prescribed by the regulations. 1920, c. 48, s. 1. 1932, c. 31, s. 3.

Imported fish.

9. 1. All fish imported into Canada from other countries shall be packed in containers of a similar character and equal quality to those required in this Act and shall be clearly marked with the kind, grade and weight of fish they contain, and with the name of the country of origin, including the name and address of the packer, or the licence number of the packer. 1932, c. 31, s. 4.

Container to be marked.

2. When such fish are imported into Canada for exportation, it shall only be necessary that the container in which such fish are packed be marked with the name of the country of origin. 1920, c. 48, s. 1.

Disputes.

10. In case any dispute should arise between an inspecting officer and the packer, owner or other person who controls any container or fish with respect to the quality, size, condition, or marks of either container or fish, such packer, owner or other person may appeal to the Minister, who may order a reinspection, and such reinspection, if authorized, shall be final and conclusive.

Appeal.

2. There shall be no appeal in any case where the appellant is unable to satisfy the Minister that the identity of the container or fish with respect to which an appeal is desired has been carefully preserved. 1920, c. 48, s. 1.

Costs.

11. If the opinion of the inspecting officer is confirmed, the travelling expenses of the referee in connection with the re-examination shall be paid by the owner, packer, or possessor of such articles, and if otherwise, by the Department. 1914, c. 45, s. 21.

Governor in Council may make rules for re-examination.

12. The Governor in Council may make regulations for the guidance of inspecting officers re-examining any article, on appeal from the decision of any other inspecting officer. 1914, c. 45, s. 22.

Power to enter and search.

13. Every inspecting officer appointed under the provisions of this Act may enter any premises, vessel or boat where he has reason to believe there are containers or fish subject to grading or inspection under the provisions of this Act or of any regulations hereunder, or where fish is or has been cured or packed or containers made or stored, and open any package or container which he has reason to believe contains fish, for the purpose of seeing that the provisions of this Act and of the regulations have been complied with. 1920, c. 48, s. 1.

Forfeiture and seizure.

14. If any container packed with fish which is required by this Act or by any regulations to be marked is unmarked, such container and the fish therein shall be held by an inspector until the name of the maker is ascertained and marked thereon; and the maker shall be liable to the penalties provided in subsection two of this section.

False marking or packing in violation. Penalty.

2. Any person falsely marking any container packed with fish, or packing fish in violation of this Act or of the regulations, shall be liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for any term not exceeding thirty days, and for a second or any subsequent offence to a fine not exceeding one hundred dollars or to imprisonment for any term not exceeding sixty days. 1920, c. 48, s. 1.

Penalty for altering official marks.

15. Any person who alters, destroys, erases or falsifies any declaration or other document, or any marks placed on the containers by an inspecting officer, prescribed for use under the provisions of this Act, or under the regulations, shall be liable to a penalty of not less than twenty dollars and costs, and in default of payment to imprisonment for a term of not less than two months, or both, and not more than five hundred dollars or six months' imprisonment or both. 1914, c. 45, s. 17. 1932, c. 31, s. 5.

Penalty.

16. Except as in this Act otherwise provided, every one who violates any provision of this Act, or any regulations made under it, shall be liable to a penalty of not more than five hundred dollars, and in default of payment to imprisonment for a term not exceeding six months, or to both. 1914, c. 45, s. 28.

Seizure of fish and containers.

16A. (1) Whenever an inspecting officer suspects on reasonable grounds that an offence against this Act or any regulation has been committed, he may seize all fish and containers by means of or in relation to which he reasonably believes the offence was committed. 1945, c. 21, s. 3.

Detention of fish and containers seized.

(2) All fish and containers seized pursuant to subsection one of this section may be detained for a period of two months following the day of seizure, unless during that period proceedings under this Act in respect of those fish or containers are undertaken, in which case the fish and containers may be further detained until such proceedings are finally concluded. 1945, c. 21, s. 3.

Seized fish and containers forfeited to His Majesty after conviction.

(3) Where a person is convicted of an offence against this Act or any regulation, the fish and containers by means of or in relation to which the offence was committed shall upon such conviction, in addition to any penalty imposed, be forfeited to His Majesty and may be disposed of as the Minister may direct. 1945, c. 21, s. 3.

Arrest of persons found committing an infraction of this Act.

17. Any inspecting officer or constable may arrest without a warrant any person found committing an offence against the provisions of this Act, and shall forthwith take any person so arrested before a justice of the peace to be examined and dealt with according to law.

Detention.

2. A person so arrested shall not be detained in custody without the order of a justice of the peace, longer than twenty-four hours. 1914, c. 45, s. 23.

Fixing of venue.

18. Every offence against this Act, or against any regulation, shall for the purposes of legal proceedings be deemed to have been committed, and every cause of complaint under this Act, or any such regulations, shall be deemed to have arisen in the place in which it actually was committed, or the place where it was first discovered by the inspecting officer, or where the defendant resides or is found. 1914, c. 45, s. 25.

Procedure.

19. Every penalty and forfeiture imposed under this Act or under any regulation made hereunder shall be recoverable and enforceable with costs upon summary conviction under the provisions of the Criminal Code relating to summary convictions. 1914, c. 45, s. 29.

20. Part VI of the Inspection and Sale Act, chapter one hundred of the Revised Statutes of Canada 1927, is repealed. 1930, c. 22, s. 3.

SOR/49-456

**Fish Inspection Act—Regulations governing the construction of Containers, the
Curing and Packing of Fish and the Inspection thereof**
P.C. 5697

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of the Fish Inspection Act, Revised Statutes of Canada, 1927, chapter 72, is pleased to order as follows:

1. The Regulations governing the construction of containers, the curing and packing of fish and the inspection thereof, established by Order in Council P.C. 5365 of 31st December 1947, as amended, are hereby revoked, effective December 1st, 1949; and

2. The annexed "Regulations governing the construction of Containers, the Curing and Packing of Fish and the Inspection thereof" are hereby made and established, effective December 1, 1949, in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

**Regulations Governing the Construction of Containers, the Curing and Packing
of Fish and the Inspection Thereof**

1. Application

All containers used for packing and marketing pickled fish under these Regulations, excepting salmon, shall be made and marked in accordance with the following:—

2. Quality of Staves and Heading

The staves and heading of every barrel, half-barrel and quarter-barrel shall be composed of well-seasoned, close-grained wood of good quality and capable of retaining pickle. Logs to be used for stavewood and heading shall not be allowed to remain in water longer than twenty-eight days during the first half of the year and not longer than ten days during the second half of the year before being cut into staves and heading.

3. Thickness of Staves and Heading

The staves of every barrel, when completed, shall be not less than five-eighths of an inch, and the heading not less than three-fourths of an inch in thickness; and the staves of every half-barrel when completed shall be not less than nine-sixteenths of an inch and the heading not less than five-eighths of an inch in thickness, and the staves of every quarter-barrel shall be not less than one-half inch and the heading not less than five-eighths of an inch in thickness.

(NOTE.—The staves and heading should be cut one-sixteenth of an inch thicker than the thickness named herein, in order that they may be of the required thickness when dried and made into a barrel.)

4. Width of Staves

The staves of barrels shall not exceed five inches in width and the staves of half-barrels shall not exceed four inches in width, the staves of quarter-barrels shall not exceed three and one-quarter inches in width.

5. Composition and Bevelling of Heads

The heads of barrels and half-barrels shall be composed of not less than three pieces and shall be securely fastened with either hardwood or iron dowels to form a level surface. All heads shall be bevelled one-third outside and two-thirds inside, and shall fit properly in a cleancut croze, one-eighth of an inch deep.

6. Planing of Heads

The heads and bottoms of every barrel, half-barrel and quarter-barrel shall be planed on the outside to a smooth finish.

7. Chimes

The chimes shall be one in length from the top of the croze, and chamfered to permit the removal of heads or bottoms to allow inspection of contents; provided that where pickled fish are packed under the supervision of an inspecting officer the bottom chimes need not be so chamfered.

8. Barrels to Be Well Fired

In the course of construction, every barrel, half-barrel and quarter-barrel shall be well fired so as to admit of the staves being bent to the requisite extent and properly trussed. The staves shall not be cracked, broken or patched.

9. Hooping

Every barrel, half-barrel and quarter-barrel shall be hooped in one of the three following ways, viz:

- (a) entirely with wooden hoops.
- (b) partly with wooden hoops and partly with iron hoops.
- (c) entirely with iron hoops.

provided that from and after the first day of April, 1948, all barrels, half-barrels and quarter-barrels shall be hooped entirely with iron hoops.

10. Barrels, Half-Barrels and Quarter-Barrels Hooped Entirely with Wooden Hoops

Every barrel and half-barrel hooped entirely with wooden hoops shall have four end hoops and three quarter hoops. Quarter-barrels shall have three end hoops and three quarter hoops.

11. Barrels Hooped Partly with Iron and Partly with Wooden Hoops

Every barrel hooped partly with wooden hoops and partly with iron hoops shall have an iron hoop on each end, one and three-quarter inches wide, of a gauge not less than No. 16 (American Standard) if of black iron and of a gauge not less than No. 17 (American Standard) if of galvanized iron, and shall have not less than three good wooden hoops on each quarter; provided that in reconditioning barrels hooped entirely with wooden hoops an iron hoop one inch in width may be substituted for one wooden hoop on each end.

12. Barrels Hooped Entirely with Iron Hoops

Every barrel hooped entirely with iron hoops shall have an iron hoop on each end, as defined in Section 11 and shall have either two iron hoops on each quarter, one and one-quarter inches wide of a gauge not less than No. 18 (American Standard) with a space of one and one-half inches between the upper and the lower quarter hoops; or shall have one iron hoop on each quarter of the same width and thickness as the end hoops.

13. Half-Barrels Hooped Partly with Iron and Partly with Wooden Hoops

Every half-barrel hooped partly with iron and partly with wooden hoops shall have an iron hoop on each end one and one-half inches wide of a gauge not less than No. 17 (American Standard) if of black iron and of a gauge not less than No. 18 (American Standard) if of galvanized iron, and shall have

three good wooden hoops on each quarter: provided that in reconditioning half-barrels hooped entirely with wooden hoops an iron hoop one inch in width may be substituted for one wooden hoop on each end.

14. Half-Barrels Hooped Entirely with Iron Hoops

Every half-barrel hooped entirely with iron hoops shall have an iron hoop on each end, as defined in Section 13 and shall have either two iron hoops one inch wide of a gauge not less than No. 18 (American Standard) on each quarter, with a space of one and one-quarter inches between the upper and lower hoops; or shall have one iron hoop on each quarter of the same width and thickness as the end hoops.

15. Quarter-Barrels Hooped Partly with Iron and Partly with Wooden Hoops

Every quarter-barrel hooped partly with iron hoops and partly with wooden hoops shall have an iron hoop on each end not less than one and one-quarter inches wide of a gauge not less than No. 18 (American Standard) and three good wooden hoops on each quarter.

16. Quarter-Barrels Hooped Entirely with Iron Hoops

Every quarter-barrel hooped entirely with iron hoops shall have an iron hoop on each end and one on each quarter of the same width and gauge as specified in Section 15.

17. Space Between Quarter Hoops

The space across the bilge between the quarter hoops on barrels, half-barrels and quarter-barrels shall be equal to one-third of the length of the staves in either case when finally coopered and ready for market.

18. Quality, Breadth and Fitting of Wooden Hoops

The wooden hoops on every barrel and half-barrel shall be of sound hardwood, and be not less than three-fourths of an inch for barrels, five-eighths of an inch for half-barrels and one-half inch for quarter-barrels in breadth at the narrowest part; and five-sixteenths of an inch for barrels, one-quarter of an inch for half-barrels and three-sixteenths of an inch for quarter-barrels at the thinnest part including bark. Each hoop shall be properly notched, perfectly fitted and firmly driven to its proper position.

19. Barrels, Half-Barrels and Quarter-Barrels to Be Watertight

1. Every barrel, half-barrel and quarter-barrel shall be made perfectly tight and capable of retaining pickle before it leaves the maker's hands. A half-pint of weak pickle shall be poured into every barrel, half-barrel and quarter-barrel before the head is put in.

2. A bung-hole one inch in diameter shall be bored in the centre of a wide stave at the bilge of every barrel, half-barrel and quarter-barrel, and a cork bung shall be supplied to tightly fit in the bung-hole, and shall be placed inside the container by the cooper before such container is inspected. Containers that do not comply with this requirement may not be accepted by an inspecting officer.

20. Sizes and Capacity of Pickled Fish Containers

1. Barrels for Herring and Alewives.—The staves of every barrel intended to be filled with cured herring or alewives shall be twenty-seven inches in length and the heads shall be seventeen inches in diameter, i.e., a seventeen-inch cut head. Every such barrel shall be twenty inches in diameter at the bilge, outside measurement, and be capable of containing twenty-two gallons, Imperial measure.

2. Half-Barrels for Herring and Alewives.—The staves of every half-barrel intended to be filled with cured herring or alewives shall be twenty-two inches in length and the heads shall be thirteen and one-half inches in diameter, i.e., thirteen and one-half inch cut head. Every such half-barrel shall be sixteen and one-half inches in diameter at the bilge, outside measurement, and be capable of containing eleven gallons, Imperial measure.

3. Barrels for Herring Cured in Scotch Style.—The capacity of barrels and half-barrels intended for use in curing and packing herring in what is known as the Scotch style shall be either as defined in subsections 1 and 2 of this section or shall be twenty-six and two thirds gallons, Imperial measure, for barrels, and thirteen and one-third gallons, Imperial measure, for half-barrels.

4. Barrels for Mackerel.—The staves of every barrel intended to be filled with cured mackerel shall be twenty-nine inches in length, and the heads shall be seventeen inches in diameter, i.e., a seventeen-inch cut head; and every such barrel shall be twenty-one inches in diameter at the bilge, outside measurement, and shall be capable of containing twenty-six gallons, Imperial measure.

5. Half-Barrels for Mackerel.—The staves of every half-barrel intended to be filled with cured mackerel shall be twenty-four inches in length, and the heads shall be fourteen inches in diameter, i.e., a fourteen-inch cut head. Every such half-barrel shall be seventeen inches in diameter at the bilge, outside measurement, and shall be capable of containing thirteen gallons, Imperial measure.

6. Quarter-Barrels.—The staves of quarter-barrels shall be nineteen inches in length and the heads shall be eleven and one-eighth inches in diameter, i.e., an eleven and one-eighth-inch cut head. Quarter-barrels shall be thirteen and one-half inches in diameter at the bilge, outside measurement, and shall be capable of containing six and one-quarter gallons, Imperial measure.

7. Pails or Kits.—Every pail or kit shall be made of well-seasoned wood of good quality. They shall be well put together and strongly hooped and be capable of retaining pickle. They shall be capable of containing two and two-fifths gallons, Imperial measure.

8. Metal Containers.—Cans used for the packing of pickled fish shall be capable of containing ten pounds of fish apart from salt and pickle.

9. Notwithstanding any of the provisions of this section, the Minister may upon written request, grant permission for the use of barrels to be filled with any one kind of pickled fish; the staves of such barrels to be twenty-eight inches in length and the heads to be seventeen inches in diameter (i.e., seventeen inch cut heads) and every such barrel shall be not less than twenty-one inches in diameter at the bilge, outside measurement, and shall be capable of containing twenty-four gallons, Imperial measure, and shall in all other respects conform to the general requirements governing the construction of barrels for pickled fish.

21. Inspection and Marking of Empty Containers

1. The maker of every barrel, half-barrel, quarter-barrel, pail, kit or other container that is to be used for the marketing of pickled fish shall clearly mark such container with his name and address and with the words "Pickled Fish" thereunder, before it is offered for inspection.

2. Barrels, half-barrels and quarter-barrels for pickled fish that are made of clear spruce or hardwood and hooped entirely with black or galvanized iron, shall be marked with the maker's name and address and with the words "Pickled Fish—Special" thereunder, before they are offered for inspection.

3. Every container that is to be used for the marketing of pickled fish shall be inspected by a duly authorized inspecting officer and if found to comply with these regulations shall be marked by such officer, by means of a rubber stamp with the words "Container Inspected" and a number indicating the name of the inspecting officer.

4. Any container for the marketing of pickled fish when filled with such fish which does not show the marking specified by these regulations may be seized by any Inspecting Officer, Police Officer or Constable and held until the provisions of subsection 1 or 2 of this Section have been complied with and the maker shall be liable on summary conviction to the penalty provided by Subsection 2 of Section 14, of the Fish Inspection Act.

22. Containers that Are Below Standard

Any barrel, half-barrel, quarter-barrel, pail, kit, or other container that is to be used for the purpose of marketing pickled fish and which is not made in accordance with or is not of the capacity prescribed by these regulations shall, unless reconditioned to meet the requirements of these regulations, have the maker's marks removed therefrom and shall not be used for marketing any kind of fish to which the Fish Inspection Act applies.

23. Penalty for Below Standard Containers

The maker of any barrel, half-barrel, quarter-barrel, pail, kit or other container which is marked with the words "Pickled Fish" and is found to be below the prescribed standard for such container shall be liable on summary conviction to the penalty provided by Subsection 2 of Section 14 of the Fish Inspection Act.

24. Packing Requirements for Pickled Fish

1. Every barrel, half-barrel and quarter barrel of pickled fish, after being packed for market, shall be immediately headed up, the hoops thoroughly driven and the containers tested for tightness. The top quarter wooden hoops, i.e., the two nearest the chimes at each end, shall be nailed with at least three nails not exceeding one and one-quarter inches in length. The containers shall then be filled, through a hole in the centre of a stave at the bilge with pickle of 100 per cent strength. Pails and kits may be so filled through a hole bored in the head. When the containers are filled with pickle, the holes shall be carefully plugged with a tight fitting bung; provided that nothing in these regulations shall prohibit the use of metal containers without bung-holes.

2. All pickled fish, during process of curing and handling, and the containers, before and after being filled, must be carefully protected from the weather. The barrels, half-barrels and quarter-barrels, when filled, shall be kept on their bilge. All pickled fish must be kept covered with clean pickle of 100 per cent strength. Inspecting officers must see, in so far as it is possible for them to do so, that the requirements of this section are duly attended to by packers and exporters of pickled fish.

3. Except as herein otherwise provided, all fish to which this Act applies shall be cured and packed with and be pickled with pickle made from clean unused salt.

4. All fish to be cured under these regulations shall be placed under salt within fifteen hours after being landed.

5. On the end of every container filled with pickled fish for sale shall be clearly stencilled by the packer, his name and address, the kind, class, grade and minimum weight of the fish in the container.

6. When containers filled with pickled fish have been passed by an inspecting officer, he shall stamp or stencil them with a crown surrounding the word "Canada", "Inspected" and a number indicating the name of the inspecting officer.

25. General Requirements for Pickled Herring

1. Herring must be well split, thoroughly clean, bellies filled with salt, dredged outside with salt, and placed carefully in the curing receptacle. Sufficient salt shall be uniformly spread over each tier to keep pickle up to full strength. Strong pickle shall then be added in the proportion of about two buckets to a puncheon in order to speed up the formation of brine. Herring shall be kept under pickle for at least fourteen days, and shall be thoroughly cured before being packed for market.

2. Before being packed for market, herring shall be washed in clean pickle, graded, and weighed according to the capacity of the container in which they are to be packed, as defined in Subsection 3 of this section. The bottoms of containers shall be lightly covered with salt and the herring placed evenly in tiers, back down, each alternate layer being criss-crossed and uniformly salted. The top tier shall be packed back up and shall be heavily salted.

3. Every barrel of pickled herring shall contain not less than two hundred pounds; every half-barrel not less than one hundred pounds; every quarter-barrel not less than fifty pounds; every pail or kit not less than twenty pounds and every half-pail or can not less than ten pounds of fish apart from salt. The packer or repacker shall put sufficient weight of fish in the container when packing to ensure that the aforesaid weight of fish will be in the container after shrinkage, exclusive of salt. The packer or repacker shall take care to see that the container is free from leaks and full of pickle at all times when it is in his possession.

26. Special Requirements for Pickled Herring

1. The sizes of pickled herring shall be: Large, measuring not less than eleven inches; Medium, measuring not less than nine inches and not more than eleven inches; Small, measuring not less than seven inches and not more than nine inches; measurement for each class to be from the extremity of the head to the end of the backbone at the round of the tail.

2. Pickled herring shall be packed in two classes as defined below: Class "A", herring containing a reasonable amount of fat; Class "B", herring containing little or no fat. Containers of Class "A" herring shall be marked to show the words "Fat Herring", "Fat Tropic Herring" or "No. 4 Fat Herring". Containers of Class "B" herring shall be marked to show the words "Bright Herring", "Tropic Herring" or "No. 4 Tropic Herring".

Class "A"

- (a) "Fat" Herring shall consist of Class "A" herring which have the blood scraped from the main bone, are reasonably fat, thoroughly cured, properly packed, sound, clean, and of good quality.
- (b) "Fat Tropic" Herring shall consist of Class "A" herring which are reasonably fat and free from rust. They need not have the blood scraped from the main bone or be thoroughly cleaned.
- (c) "No. 4 Fat" Herring shall consist of thoroughly cured inferior Class "A" herring including cullage from the above grades.

Class "B"

- (d) "Bright" Herring shall consist of Class "B" herring which have the blood scraped from the main bone, are bright in colour, reasonably white inside, thoroughly cured, properly packed, clean, and of good quality.
- (e) "Tropic" Herring shall consist of Class "B" herring which are free from rust. They need not have the blood scraped from the main bone or be thoroughly cleaned.
- (f) "No. 4 Tropic" Herring shall consist of thoroughly cured inferior Class "B" herring including cullage from the above Class "B" grades.

27. Special Requirements for Pickled Headless and Pickled Trimmed Herring

1. The requirements of Sections 24 and 25 of these Regulations shall apply to pickled headless and pickled trimmed herring.

2. The sizes and grades of pickled headless and pickled trimmed herring shall comply with the requirements of Section 26 of the Regulations, due allowance being made for the removal of heads or heads and tails, as the case may be.

3. It shall be permissible to market only two grades of pickled headless and pickled trimmed herring, i.e., Grade "A" "Fat Herring" and Grade "B" "Bright Herring", as defined in Section 26 of these Regulations. The containers thereof shall be marked "Fat Herring" or "Bright Herring" as the case may be.

28. Special Requirements for Pickled Alewives

1. Alewives shall be kept under salt and pickle for at least fourteen days and shall be thoroughly cured, uniformly salted, bright in colour, free from rust and shall be placed evenly in tiers when packed for market.

2. Every barrel of pickled alewives shall be tight and shall contain not less than two hundred pounds of fish apart from the salt, and the packer or repacker shall put sufficient weight of fish in the barrel to ensure the aforesaid weight of fish being in the barrel after shrinkage.

3. The grades for pickled alewives shall be: Large, consisting of sound fish of good quality measuring not less than ten inches; Medium, consisting of sound fish of good quality measuring not less than eight inches and not more than ten inches, measured from the extremity of the head to the end of the backbone at the round of the tail.

4. Alewives that have been cured as required by these Regulations may be shipped in a dry state for export to such markets as require them in that condition.

5. When a shipper desires to ship or export in a dry state alewives that have been cured and packed in pickle and marked in accordance with these Regulations, he shall notify an inspecting officer who shall see that the word "Dry" is marked on the containers in addition to the other marks.

6. Alewives falling below the requirements of these Regulations but which may be fit for human food shall be designated as "No. 4" and the containers so marked.

29. General Requirements for Pickled Mackerel

1. Mackerel shall be properly split, washed and dredged and shall be placed back down in tiers in the curing receptacles. Sufficient salt shall be spread evenly on each tier to thoroughly cure the fish. Strong pickle shall then be added in the proportion of about two buckets to a puncheon in order to speed up the formation of brine. After three days the mackerel shall be kept covered with brine and the brine shall be maintained at 100 per cent strength. Salt must always be in evidence on the top tier. Pickled mackerel shall remain in salt and pickle for not less than fourteen days and shall be thoroughly cured before being finally packed for market.

2. In finally packing and preparing mackerel for market, they shall be removed from the curing receptacles and Summer and Fall mackerel shall be washed in clean unused pickle. Spring mackerel may be washed in the original pickle. The mackerel shall be selected and weighed in accordance with the requirements of this section. In packing, the bottom of the container shall be lightly covered with salt and the first tier of fish laid thereon with their backs downward. The bottom tier shall be so placed that when the bottom end of the container is opened the tails of the fish will not be seen. Care must be taken to keep the tiers level in packing. When each tier is completed, it shall be covered with rather less salt than is used in the original curing. The top tier shall be packed backs upward and so placed that the tails of the fish will not be seen. The top tier shall be heavily salted.

3. Every barrel of pickled mackerel shall contain not less than two hundred pounds, every half-barrel not less than one hundred pounds, every quarter-barrel not less than fifty pounds, every pail or kit not less than twenty pounds, and every half-pail or half-kit or can not less than ten pounds of fish apart from salt. The packer or repacker shall put sufficient weight of fish in the container when packing to ensure the aforesaid weight of fish being in the container at the time of sale. The packer or repacker shall take care to see that the container is free from leaks and full of pickle at all times when it is in his possession.

30. Special Requirements for Pickled Mackerel

1. There shall be three classes of pickled mackerel: Spring mackerel, Summer mackerel and Fall mackerel. Spring mackerel shall consist of mackerel caught during the spring and early summer. Summer mackerel shall consist of mackerel caught during August and September. Fall mackerel shall consist of fat mackerel caught after September; but when mackerel caught in the latter part of July are sufficiently fat to be classed as Summer mackerel, and mackerel

caught in the latter part of September are sufficiently fat to be classed as Fall mackerel, the inspector, if he is satisfied as to these conditions, may permit the containers of such fish to be marked Summer Mackerel and Fall Mackerel respectively.

2. The measurement of all classes and grades of mackerel shall be made down the centre of the fish from the extremity of the head to the end of the backbone at the round of the tail.

31. Special Requirements for Spring Mackerel

1. Spring mackerel shall be packed in four grades, viz: Large, Medium, Small Medium, Small.

(a) Large shall consist of fish measuring not less than fifteen inches.

(b) Medium shall consist of fish measuring under fifteen inches but not less than thirteen inches.

(c) Small Medium shall consist of fish measuring under thirteen inches but not less than twelve inches.

(d) Small shall consist of fish measuring under twelve inches.

2. "Spring" Mackerel shall consist of mackerel caught during the spring and early summer that are sound, properly split, reasonably smooth-faced, well washed, regularly packed, uniformly salted and free from rust.

3. "Bright Spring" Mackerel shall consist of mackerel caught during late spring and early summer that are reasonably bright, sound, properly split, smooth-faced, well washed, regularly packed, uniformly salted, free from rust and that have the blood scraped.

4. "No. 4 Spring" Mackerel shall consist of Spring mackerel falling below the standards prescribed by these Regulations but which are fit for human consumption.

5. Containers of "Spring" mackerel shall be marked in accordance with the grades and classifications defined in this section.

32. Special Requirements for Summer Mackerel

1. Summer mackerel shall be packed in four grades, viz: Large, Medium, Small Medium, and Small.

(a) Large shall consist of fish showing fat and measuring not more than two inches between their maximum and minimum lengths and counting not more than one hundred and sixty fish to a barrel.

(b) Medium shall consist of fish showing fat and measuring not more than two inches between their maximum and minimum lengths and counting one hundred and sixty-one to two hundred and twenty-five fish to a barrel.

(c) Small Medium shall consist of fish showing fat and measuring not more than one inch between their maximum and minimum lengths and counting two hundred and twenty-six to two hundred and seventy fish to a barrel.

(d) Small shall consist of fish showing fat and measuring not more than one inch between their maximum and minimum lengths and counting two hundred and seventy-one to four hundred fish to a barrel.

2. Choice Summer Mackerel shall consist of Summer mackerel that are properly split, smooth-faced, have the blood scraped, sufficiently soaked, well-washed, white in colour, reasonably free from blood stains, regularly packed, uniformly salted and thoroughly cured.

3. Summer Mackerel shall consist of fish having slight defects, and not up to the standard of Choice Summer defined above but shall have the blood scraped and shall be of good colour.

4. Dark Summer shall consist of thoroughly-cured but inferior Summer mackerel not up to the standards of Choice Summer or Summer and not having the blood scraped or not being reasonably free from blood stains.

5. No. 4 Summer Mackerel shall consist of Summer mackerel falling below the standards prescribed by these Regulations but which are fit for human consumption.

6. Containers of "Summer" mackerel shall be marked in accordance with the grades and classifications defined in this Section.

33. Special Requirements for Fall Mackerel

1. Fall mackerel shall be packed in four grades, viz: Extra Large, Large, Medium and Small Medium.

(a) Extra Large shall consist of fat fish measuring not more than two inches between their maximum and minimum lengths and counting not more than one hundred and fifteen fish to a barrel.

(b) Large shall consist of fat fish measuring not more than two inches between their maximum and minimum lengths and counting one hundred and sixteen to one hundred and fifty fish to a barrel.

(c) Medium shall consist of fat fish measuring not more than two inches between their maximum and minimum lengths and counting one hundred and fifty-one to two hundred fish to a barrel.

(d) Small medium shall consist of fat fish measuring not more than one inch between their maximum and minimum lengths and counting from two hundred and one to four hundred fish to a barrel.

2. Choice Fall shall consist of Fall mackerel that are properly split, have the blood scraped, are sufficiently soaked, well washed, white in colour, free from blood stains, regularly packed, uniformly salted and thoroughly cured.

3. Fall shall consist of Fall mackerel with some slight defects, but of good colour and otherwise conforming to the requirements of "Choice Fall".

4. Dark Fall shall consist of Fall mackerel not having the blood scraped nor free from blood stains, but otherwise conforming to the requirements of "Choice Fall" and "Fall".

5. No. 4 Fall mackerel shall consist of Fall mackerel falling below the standards prescribed by these Regulations but which are fit for human consumption.

6. Fall mackerel caught by hook in certain localities may, in addition to the foregoing, have stenciled on each container the locality where and the method by which the fish in the container were caught, as for example, "Cape Breton Hooked".

7. Containers of "Fall" mackerel shall be marked in accordance with the grades and classifications defined in this section:

34. Special Requirements for Pickled Mackerel Fillets

1. Pickled mackerel fillets should only be cut from fresh fat mackerel each fillet should be cut from the fish separately with a long, narrow, sharp knife, leaving a smooth surface; all fins, napes and back bones and all blood to be entirely removed,

(a) The fillets are to be thoroughly washed and well soaked in clean sea water or brine of the same salinity as sea water, then carefully dredged in fine salt, and packed in tiers flesh side up in curing receptacles, the top tier to be laid skin side up, and sufficient salt uniformly distributed over each tier to cure them and enough 100 per cent pickle poured into the curing receptacle to cover the fillets. Salt should always be in evidence on top tiers and the fillets shall remain in salt and pickle for not less than fourteen days and shall be thoroughly cured before being finally packed for market.

(b) In finally packing pickled mackerel fillets for market, they shall be removed from the curing receptacles, washed in clean unused pickle and selected and weighed according to the requirements of these Regulations. In packing, the bottoms of containers shall be lightly covered with clean unused salt and the first tier of fillets laid thereon.

at an angle of about forty-five degrees, the skin towards the wood. When each tier is completed, it shall be salted with rather less salt than was used in the original curing. Tiers should be crisscrossed and the top tier placed at the same angle, skin side up and salted.

- (c) Pickled mackerel fillets shall be reasonably uniform in size. In barrels containing up to five hundred and fifty count the fillets shall vary not more than one and one-half inches in length, and in barrels of five hundred and fifty count or over the fillets shall not vary more than one inch in length.
- 2. There shall be three sizes of mackerel fillets, Large, Medium and Small.
 - (a) Large shall consist of fillets counting not more than five hundred and fifty to a barrel of two hundred pounds.
 - (b) Medium shall consist of fillets counting five hundred and fifty-one to seven hundred and fifty to a barrel of two hundred pounds.
 - (c) Small shall consist of fillets counting more than seven hundred and fifty to a barrel of two hundred pounds.
- 3. Pickled mackerel fillets may be packed in the same grades and classes as provided for pickled mackerel.
- 4. Containers of "Pickled Mackerel Fillets" shall be marked in accordance with the grades and classifications as provided for in this section.

35. Special Requirements for Pickled Headless and Pickled Trimmed Mackerel

1. The general requirements for pickled fish shall apply to pickled headless and pickled trimmed mackerel.

2. It shall be permissible to pack for market only two classes of pickled headless and pickled trimmed mackerel, i.e., Choice Summer and Choice Fall and the containers thereof shall be marked "Choice Summer" or "Choice Fall", provided that pickled headless and pickled trimmed mackerel falling below the quality prescribed by these regulations for "Choice Summer" or "Choice Fall" but which are fit for human consumption shall be designated as "No. 4" and the containers so marked.

3. The grades and classes of pickled headless and pickled trimmed mackerel shall comply with the requirements of section 32 and section 33 of these regulations, due allowance being made for the removal of heads or heads and tails, as the case may be.

36. Requirements for Pickled Salmon

1. Pickled salmon shall have been in salt and pickle for not less than fourteen days before being finally packed for market.

2. Salmon when packed shall lie flat, back down, except the top tier, which shall be back up. They shall be thoroughly cured and evenly salted, properly split and washed and shall have all the blood removed.

3. Every barrel of pickled salmon shall contain not less than two hundred pounds and every half-barrel not less than one hundred pounds, and every pail or kit not less than twenty pounds and every half-pail or half-kit not less than ten pounds of fish apart from salt; and the packer or repacker shall put sufficient weight of fish in the container when packing to ensure the aforesaid weight of fish being in the container at the time of sale. The packer or repacker shall take care to see that the container is free from leaks and full of pickle at all times while it is in his possession.

37. Pickled Fish May Be Reconditioned

1. If an inspecting officer, after adequate inspection finds that pickled fish do not comply with the requirements of the foregoing regulations, he shall notify the owner that the fish must be reconditioned before again being offered for inspection.

38. Regulations for Packing, Inspection and Grading of Boneless and Semi-Boneless Salt Fish

1. In the packing of boneless salt fish no box or package shall contain more than one variety. Before boneless salt fish is offered for inspection the packer, or first dealer obtaining it from the packer, shall clearly stencil or stamp each box or package with:

- (a) His full name and address.
- (b) The words "Boneless Cod" or "Boneless Hake" or "Boneless Cusk" or "Boneless Pollock" or "Boneless Haddock".
- (c) The net weight in avoirdupois of the contents.
- (d) The grade of the fish in the container.

2. Standards of Quality—Except as herein otherwise provided boneless salt fish shall be packed and marketed under the following grades:—

- (a) Fancy Quality.—Shall consist of whole fillets
 - (i) Thoroughly cured, clean, sweet and firm.
 - (ii) Bled or of the same whiteness as bled fish.
 - (iii) Including no slinks, soft, sour, putty, sunburned or discoloured fish or scraps.
 - (iv) Having bones and parasites removed.
 - (v) Neatly trimmed, provided that not more than ten per cent by count of the fillets may have ragged edges, tears or holes.
 - (vi) Properly dried with no excessive moisture or excessive salt showing at the time of inspection.
 - (vii) Packed in new, clean containers, completely lined with parchment or white waxed paper.
- (b) Choice Quality.—Shall consist of whole fillets
 - (i) Thoroughly cured, clean, sweet and firm.
 - (ii) Including no slinks, soft, sour, putty, sunburned or discoloured fish or scraps.
 - (iii) Having bones and parasites removed.
 - (iv) Not more than thirty per cent by count of the fillets may have ragged edges, tears or holes or be slightly discoloured.
 - (v) Properly dried, with no excessive moisture or excessive salt showing at the time of inspection.
 - (vi) Packed in new clean containers completely lined with parchment or white waxed paper.
- (c) Standard Quality.—Shall consist of thoroughly cured clean, sound fish which do not meet the requirements of Fancy Quality or Choice Quality. Not more than fifty per cent by count of the pieces may have ragged edges, tears or holes or be discoloured. Slinks shall be excluded from this grade.
- (d) Substandard Quality.—Shall consist of cullage from any or all of the above mentioned grades.
- (e) Bits.—Shall consist of pieces of fish of reasonable size and be at least of Standard Quality.
- (f) Trimmings and Scraps.—May include cuttings of clean fish resulting from the preparation of boneless fish.
- (g) Fibred Fish.—Shall consist of boneless fish of at least Choice Quality that has been treated by separating the fibres and shredding the fish by a combing, raking or cutting action. Fibred fish may also be designated as shredded, flossed, fluffed, or spun fish.
- (h) Middle Cuts.—Shall consist of pieces of fish taken from the thick part of Fancy or Choice boneless cod cut to conform to the size of the package in which they are packed for sale.

3. The inspecting officer shall conduct the inspection in such manner as will entirely satisfy him as to the quality.

4. When containers of boneless fish have been inspected and passed by an inspecting officer, he shall stamp or stencil them with a crown surrounding the words "Canada" "Inspected" and a number indicating the name of the inspecting officer.

5. In packing boneless salt fish in packages containing five pounds or less, it is permissible to cut whole fillets to conform to the size of the package.

6. Semi-boneless salt fish shall have all bones except the pin bones removed.

7. The packing, inspection and grading of semi-boneless salt fish shall be in accordance with the requirements of this section and in the marking of containers of such fish the term "Semi" shall appear before the word "Boneless".

39. Regulations Governing Dry Salted Herring

1. Any water that may have accumulated amongst the fresh fish in a boat or scow shall be allowed to drain away when the fish are being discharged therefrom and before salting takes place.

2. (a) The fresh fish shall be thoroughly salted into tanks or other water-tight receptacles in such a manner as will permit of each fish coming in contact with the salt. All fish shall be sound and they shall be salted within twenty-four hours after being taken from the sea. If the tanks or other receptacles stand in the open when filled, they shall be covered and protected from rain and snow.

(b) The date on which fish have been salted into each tank shall be shown on the tank and in such a manner as will make it easily seen by the inspector.

(c) When pickle has formed in each tank it shall be maintained at a strength of ninety degrees or more.

(d) The inspector shall by a salinometer test the strength of the pickle in each tank at each visit to a curing place during the season.

3. All herring taken from the opening of the fall season, in British Columbia, to the end of November shall remain in salt in the tanks for not less than six days of twenty-four hours each, and all herring taken from December first to the end of the season shall remain in salt for not less than five days of twenty-four hours each before being boxed for shipment. All herring boxed for shipment shall be sound, thoroughly cured and in good condition.

4. Boxes for shipment of dry salted herring to the Orient shall be forty-two inches long, twenty-four and one-half inches wide, and fourteen inches deep, outside measurement. The sides, top and bottom shall consist of good sound boards one inch in thickness, and the ends of similar boards one inch and one-quarter in thickness. The boxes shall be strongly made and well nailed.

5. The fish on removal from the tanks shall be drained of pickle for twenty-four hours and afterwards firmly packed in standard boxes and thoroughly sprinkled with salt. Each box shall be filled to its utmost capacity with fish at the time of shipment. A mark or number shall be plainly marked on each box to indicate the packer of the fish and the date on which the fish were first inspected.

6. (a) The fish, at the place of curing and packing, shall be subject to inspection during the process of discharging from the boats or scows, and thereafter until they are boxed for shipment. The boxes also shall be subject to inspection at the same time and place.

(b) An inspector shall visit each packing place daily during the season and for his own guidance shall keep a record of the date on which each tank was filled and emptied.

7. An inspector may detain for the time necessary to complete his inspection any shipment in respect of which he has reasonable grounds for believing that the boxes or fish are not such as the regulations require.

8. If an inspector is satisfied, after inspection, that the fish and boxes are such as the regulations require, he shall furnish the packer with a formal certificate of inspection and no shipment shall leave the packer's place without such certificate, provided, that in the event of a parcel of herring that has been inspected and for which a certificate has been given being held over for thirty days or more before shipment out of Canada, such parcel shall be submitted for reinspection immediately before shipment. If the reinspection shows the parcel to have deteriorated in quality from that required by subsection 3 or that the boxes are not filled to capacity as required by subsection 5 the certificate of inspection shall be cancelled, but the packer may recondition the parcel and submit it for final inspection when, if the quality and weight is found by the inspector to be satisfactory, he shall issue another certificate therefor.

9. If an inspector finds, after inspection, that either fish or boxes are not such as the regulations require, he shall state on his certificate wherein the fish or boxes fail to comply with the requirements, and the packer of such fish shall be liable to the penalty provided by subsection 2 of section 14 of the Fish Inspection Act.

10. In the event of a packer or owner appealing against the decision of an inspector, and of another inspection being ordered, the inspector who carries out the second inspection shall proceed in such a manner as will thoroughly satisfy him as to whether the fish or boxes comply with regulations.

40. Hard Cured Smoked Round Herring

1. Hard Cured Smoked Round Herring shall be packed in two classes, "Class 'A'", herring containing a reasonable amount of fat and "Class 'B'", herring containing little or no fat.

Class "A"

2. (a) There shall be one grade of Hard Cured Smoked Round Herring to be called "Choice Bloaters".
- (b) "Choice Bloaters", when marketed in the eighteen pound box, shall be packed according to the following counts:

40 to	60	fish	in	each	box.
60 to	80	"	"	"	"
80 to	120	"	"	"	"
120 to	160	"	"	"	"
160 or	more	"	"	"	"

provided that the difference in length between the largest and the smallest fish in the box shall not be greater than one inch.

3. Measurements in each case shall be from the end of the head to the end of the tail fin.

4. The fish when boxed shall be sound, thoroughly cured and smoked to a golden colour and shall be packed neatly in tiers in the boxes. Bloaters measuring over eleven inches in length shall be packed lengthwise in the box and bloaters measuring less than eleven inches in length shall be packed crosswise in the box.

Class "B"

5. (a) There shall be one grade of Class "B" Hard Cured Smoked Round Herring to be called Spring Bloaters.
- (b) The fish when boxed shall be sound, thoroughly cured and smoked to a golden colour and shall be packed neatly in tiers crosswise in the boxes.
- (c) "Spring Bloaters", when packed for export in the eighteen pound box, shall be packed according to the following counts:

60 to	80	fish	in	each	box, or,
80 to	120	fish	in	each	box;

provided that, when it has been established to the satisfaction of the Minister that an unusual run of small spring herring has occurred in a particular area, the Minister may exempt the bloater packers of that area from the requirements of this paragraph relating to the 80 to 120 count.

41. Hard Cured Smoked Herring (Boneless)

1. There shall be two grades of boneless hard cured smoked herring, viz:
 - (a) "Choice Boneless Smoked Herring" which shall be packed only from Class "A" bloaters of a length less than ten inches and from fish, the flesh of which shall be of the quality of "Choice Bloaters".
 - (b) "Standard Boneless Smoked Herring" which may be packed from Class "B" bloaters and from Class "A" bloaters of a size over ten inches in length.
2. The fish when packed shall be sound, sufficiently smoked, thoroughly cured and packed neatly in tiers crosswise in the boxes.

42. Packages for Hard Cured Smoked Round Herring

1. Hard cured smoked round herring of the classes defined in these regulations shall be marketed in boxes of three sizes. These shall contain not less than eighteen, fourteen or eight pounds of fish, provided that Choice Mediums and Spring Bloaters may also be packed in two smaller sized boxes, one to contain not less than two pounds and the other not less than one and one-half pounds.
2. All boxes for hard cured smoked round herring shall be made of well seasoned wood of good quality. Hemlock shall not be used in such boxes.
3. Each eighteen-pound box shall not be less than nineteen and one-half inches long, ten and one-quarter inches wide and five inches deep, inside measurements.
4. Each fourteen-pound box shall not be less than fifteen inches long, ten and one-quarter inches wide and five inches deep, inside measurements.
5. Each eight-pound box shall not be less than ten and one-quarter inches long, eight and one-half inches wide and five inches deep, inside measurements.
6. The ends of eighteen-pound boxes shall be of one piece, not less than three-quarters of an inch in thickness. The sides of such boxes shall be of one piece, the top of two pieces and the bottom of not more than three pieces and each piece shall not be less than three-eighths of an inch in thickness.
7. The nails used in the construction of all eighteen-, fourteen- and eight-pound boxes of hard cured smoked round herring shall be standard box nails measuring not less than one and one-half inches in length and of No. 14 British Wire Gauge in thickness and preferably coated with a special cement or resin.
8. Notwithstanding any of the provisions of this section, the Minister may upon written request grant permission for the packing of Hard Cured Smoked Round Herring in containers of a larger size or different type of construction.

43. Marks to Be Placed on Containers of Hard Cured Smoked Round Herring

1. (a) Each box of hard cured smoked round herring when filled shall be legibly stencilled or marked on a planed end by the packer, in letters and numbers measuring not less than one-half inch in height if printed, and not less than three-quarters of an inch in height if stencilled, with his name and address, the class, grade, count and minimum weight of fish as defined in these Regulations. In stencilling, only stencil ink or some other non-blurring material may be used.
- (b) Hard cured smoked round herring which have not properly taken the smoke, or that are broken at the throats or bellies, or show any other slight defects, but are fit for human consumption shall be packed separately and the containers thereof shall be officially marked No. 4 by the Inspecting Officer.

(c) When containers filled with hard cured smoked round herring have been inspected and passed by an inspecting officer, he shall stamp or stencil them with a crown surrounding the words "Canada" "Inspected" and a number indicating the name of the inspecting officer.

2. The packer or owner of boxes packed with such fish as are covered by the foregoing regulations which are found to be not in accordance with the requirements of such regulations shall be liable to the penalty provided by subsection 2 of section 14 of the Fish Inspection Act.

44. Marking of Boneless Smoked Herring

Each box of boneless smoked herring when filled shall be legibly stencilled or marked on a planed end by the packer, in letters and numbers measuring not less than one-half inch in height, if printed, and not less than three-quarters of an inch in height, if stencilled, with his name and address, the grade and minimum weight of fish contained therein. In stencilling, only stencil ink or some other non-blurring material may be used.

45. Regulations to Govern the Inspection and Grading of Frozen Smelts

1. Frozen smelts shall be marketed in boxes, and each box shall be marked to show the name and address of the packer or the first dealer obtaining it from the packer, the weight and grade of smelts in the box.

2. Frozen smelts when packed in boxes for market shall be graded, for size only, as follows:

Extra	7 inches and up	Medium	4. to 5½ inches
No. 1	5½ to 7 inches	Small	Under 4 inches

3. The measurement of each grade shall be from the extremity of the head to the end of the backbone at the round of the tail. A tolerance of five per cent shall be allowed for each grade; provided that no smelts falling below one-half inch of the minimum size for the grade under inspection shall be included in the tolerance.

4. Clean whole fish only shall be packed. Fish with a head or tail broken off may be placed in the next lower grade.

5. On receipt of proper notification from the packer or shipper that inspection is desired such inspection shall be carried out by a duly authorized inspector.

6. In carrying out an inspection of the fish in the boxes, an inspecting officer shall open and examine one box in ten when the lot consists of fifty or more boxes, and one box in five when the lot consists of less than fifty boxes. An inspecting officer is not restricted to this scale, but if need be he shall open as many boxes as he deems necessary to satisfy himself that the contents comply with the requirements of these regulations.

7. When containers filled with frozen smelts have been inspected and passed by an inspecting officer, he shall stamp or stencil them with a crown surrounding the words "Canada", "Inspected", and a number indicating the name of the inspecting officer.

46. Inspection and Marketing of (Atlantic Coast) Oysters

Oysters in the shell shall only be marketed in barrels, half-barrels and boxes. Such barrels, half-barrels and boxes shall, before inspection, be clearly stencilled by the original packer or the first dealer who repacks the oysters, with his full name and address and the name of the province and of the general area within the province from which the oysters are taken.

47. Requirements for Oyster Containers

1. Oyster Barrels.—The staves of every barrel in which oysters in the shell may be marketed shall be twenty-nine inches in length, and the heads and bottoms shall be fifteen and one-half inches in diameter, i.e., fifteen and one-half inches cut heads and bottoms; every such barrel shall be nineteen inches in diameter at the bilge outside measurement, and when filled for marketing shall contain not less than two and one-half bushels of oysters in the shell.

2. Oyster Half-Barrels.—The staves of every half-barrel in which oysters in the shell may be marketed shall be twenty-one inches in length and the heads and bottoms shall be thirteen and one-half inches in diameter, i.e., thirteen and one-half inches cut heads and bottoms; and every such half-barrel shall be sixteen inches in diameter at the bilge, outside measurement, and when filled for marketing shall contain not less than one and one-quarter bushels of oysters in the shell.

3. Oyster Boxes.—The size of boxes in which oysters in the shell may be marketed shall be as follows:—

(a) A one and one-quarter bushel box, which shall be twenty-four inches long, twelve inches wide and ten inches deep, inside measurements, and which when filled for marketing shall contain not less than one and one-quarter bushels of oysters in the shell.

(b) A one-bushel box, which shall be twenty inches long, twelve inches wide and ten inches deep, inside measurements, and which when filled for marketing shall contain not less than one bushel of oysters in the shell.

(c) A half-bushel box, which shall be twelve inches long, ten inches wide and ten inches deep, inside measurements, and which when filled for marketing shall contain not less than one-half bushel of oysters in the shell.

(d) A peck box, which shall be of six hundred cubic inches capacity and which when filled for marketing shall contain not less than one peck of oysters in the shell.

4. (a) The heads of oyster barrels and half-barrels shall be not less than three-quarters of an inch thick, and shall be bevelled to fit into a clean-cut croze which shall be not more than one inch from the end of the staves. Each barrel and half-barrel shall be provided with two hoops at each end and one on each quarter, provided that a single iron hoop instead of two wooden hoops may be used at the bottom. In heading barrels and half-barrels, no nails over two inches in length shall be used. Three nails shall be driven through each quarter-hoop.

(b) The head of each oyster barrel and half-barrel and the top, one side and one end of each oyster box shall be planed to a smooth finish.

(c) The ends of boxes to hold one bushel and one and one-quarter bushels of oysters shall not be less than three-quarter inches in thickness and the sides, bottom and top shall not be less than one-half inch in thickness. The space between adjoining boards in the assembled box shall not exceed one-quarter inch.

(d) Before containers used for shipping oysters out of the immediate producing area are used a second time, all inspection and shipping marks must be removed.

5. The use of any other containers than those described in this section, except for the transfer of oysters within the immediate producing area, is prohibited.

48. General Packing Requirements for Oysters in the Shell

1. Barrels, half-barrels and boxes as defined in the preceding section shall contain only oysters which are not below the legal size.

2. Before being packed for market all oysters shall be carefully cleaned, culled and graded so that all clusters are separated and all dead and broken-shelled oysters, mussels, limpets, stones, small attached oysters and other such materials are excluded.

3. When packed as herein provided and ready for shipment, each barrel, half-barrel and box shall be full and shall contain only living single oysters free from excess mud and not so damaged as to permit the shell liquor to escape.

Each container shall be vigorously shaken three times, twice when partially filled and once when about completely filled. The top tier of oysters shall be carefully placed by hand so that the container will be filled.

49. Special Requirements for Oyster Grading

The following regulations shall apply to the grading of oysters and the marking of containers filled with graded oysters:

1. **Fancy Shape.**—A container of oysters shall be marked "Fancy Shape" after an inspecting officer has found it to contain at least seventy-five per cent by count of oysters, the length of each of which does not exceed one and one-half times its greatest width, and to contain no oyster longer than one and three-quarters times its greatest width. Such officer shall then mark the container with a crown surrounding the words "Canada Oyster Fancy-Shape Inspected" and a number indicating his name.

2. **Choice Shape.**—A container of oysters shall be marked "Choice Shape" after an inspecting officer has found it to contain at least eighty-five per cent by count of oysters the length of each of which does not exceed one and three-quarters times its greatest width, and to contain no oyster longer than twice its greatest width. Such officer shall then mark the container with a crown surrounding the words "Canada Oysters Choice-Shape Inspected" and a number indicating his name.

3. **Standard Shape.**—A container of oysters shall be marked "Standard Shape" after an inspecting officer has found it to contain at least seventy-five per cent by count of oysters the length of each of which does not exceed twice its greatest width, and to contain no oyster longer than two and one-half times its greatest width. Such officer shall then mark the container with a crown surrounding the words "Canada Oysters Standard-Shape Inspected" and a number indicating his name.

4. **Sub-standard Shape.**—Any container of oysters packed in accordance with the requirements of these regulations but which contains more than twenty-five per cent by count of oysters the length of each of which is greater than twice its greatest width, or which contains any oyster longer than two and one-half times its greatest width, shall be marked by an inspecting officer with a crown surrounding the words "Canada Oysters Sub-standard Shape Inspected" and a number indicating his name.

5. Notwithstanding the provision of the above paragraphs of this section, an original packer of oysters or the first dealer who repacks oysters may mark containers with grade designations other than "Fancy Shape", "Choice Shape" or "Standard Shape", provided that such oysters are packed and graded to comply with all the requirements of section 49 and are not of "Sub-standard Shape", as defined in subsection 4 of this section. After such oysters are inspected and passed by an inspecting officer, each container thereof shall be marked by him with a crown surrounding the words "Canada Oysters Inspected not graded for Shape" and a number indicating his name.

6. Notwithstanding the provisions of the preceding subsections, any container of oysters which has more than five per cent by count of oysters which are so badly twisted, notched, or otherwise malformed as to be distorted in shape, shall be marked by an inspecting officer with a crown surrounding the words "Canada Oysters Substandard Shape Inspected" and a number indicating his name.

50. Importation of Oysters in Shell or Bulk in Canada

Each consignment of oysters imported into Canada, whether in the shell or in bulk, shall be accompanied by a certificate by a competent authority, that will be satisfactory to the Department of National Health and Welfare, that will show that the oysters contained therein are a safe food product.

51. Regulations for the Inspection and Supervision of Shucking, Handling and Shipping Scallop Meat

1. Scallops shall be shucked, handled and shipped under such sanitary conditions as will meet with the approval of the Department of National Health and Welfare.

2. Metal containers only shall be used to receive and hold shucked scallops and, when scallops are being shucked, the tops of such containers shall be high enough above the deck on which the shucker stands to prevent the scallops from being contaminated by waste portions of scallop meat or other material. Scallop meat shall be washed in metal containers only. Metal containers may be of tin plate, monel metal or aluminum.

3. Each scallop fishing boat shall be equipped with suitable tanks or containers for carrying salt water from approved sea areas for washing purposes. If scallops are washed on shore, such washing shall be done only in three per cent brine made with water from approved sources and with the permission of the inspector. Harbour or dock water shall not be used for washing scallop meat.

4. Metal containers only shall be used for shipping fresh scallop meat. Such containers shall not be over five gallon capacity and shall be of such shape that the meat may be chilled throughout. The metal containers shall be packed in ice within a larger wooden container. The metal containers shall be perfectly water-tight so that water from the melting ice cannot enter them. The wooden and metal containers shall be marked with the name and address of the shipper and the number of his certificate. The shipper shall keep a record of each shipment together with the names and licence numbers of the producers from whom he purchased the scallops.

5. All shucking and packing shall be done on the fishing boats or in licensed premises on land that may comply with the requirements of the Department of National Health and Welfare, and no scallop meat shall be permitted to come into contact with fresh water at any time.

6. Scallop boats shall fully discharge their catches of scallops each trip before returning to the fishing grounds.

7. A duly authorized inspecting officer shall take such steps as may be necessary to satisfy himself that the foregoing regulations are being complied with and the producer, packer or shipper who is found shucking, handling and shipping scallop meat, not in accordance with the regulations shall be liable to the penalty provided in subsection 2 of section 14 of the Fish Inspection Act.

52. Regulations Governing the Operation of Shellfish Shucking Plants

1. All establishments for the shucking of shellfish shall be subject to inspection by an inspecting officer duly authorized to undertake such work. Such establishments shall be adequately lighted, ventilated and screened and shall be operated and maintained in a clean and sanitary condition at all times.

2. All shucked shellfish meats shall after being packed, be immediately chilled either by the containers being placed in ice or by some other suitable means of refrigeration in order to ensure sufficiently low temperatures being obtained to prevent deterioration.

3. All containers of shucked shellfish meats shall be marked or labelled with the name and address of the packer and a true and correct description of the contents, together with a statement of net contents in terms of measure.

4. Nothing in these regulations shall excuse the operator of an establishment where shellfish are shucked for export from any of the "Requirements for the Taking, Handling, Packing and Shucking of Shellfish for Export" as approved by the Department of Fisheries and the Department of National Health and Welfare.

53. Regulations Governing the Inspection of Fish Curing and Processing Plants, Etc.

1. All fish curing and processing establishments and places where fish are cleaned, salted, smoked, or otherwise prepared for market (except canneries which are inspected under the Meat and Canned Foods Act) and all puncheons, tubs, curing tanks, barrels, boxes and other utensils used in the process of cleaning, salting, smoking, drying, and otherwise preparing fish, shall be subject to inspection.

2. The inspecting officer shall periodically visit each fish curing and processing establishment within his district during each season when operations are being carried on in such establishments and report on their cleanliness and sanitary condition.

3. Every fish curing and processing establishment and place shall have an adequate supply of clean water not only for cleaning fish, but for thoroughly washing floors, tables and all utensils used in connection with fish curing and processing.

4. The floors, splitting and processing tables of every fish curing and processing establishment and place, and all utensils used in connection with the curing and processing of fish shall be kept clean and shall be thoroughly washed at the end of each day's operations.

5. All offal, including livers, shall be disposed of in such a manner as will not affect the sanitary condition of any fish curing and processing establishment or place or the surrounding ground or water.

6. Fresh groundfish and mackerel, upon being landed, unless processed immediately, shall be iced down and if to be transported for processing shall be iced and boxed in quantities of not more than two hundred pounds.

7. The owner or operator of any fish curing or processing establishment or place, and of utensils used in the processing or curing of fish, which are found to be not in accordance with the requirements of these regulations shall be liable to the penalty provided by section 16 of the Fish Inspection Act, Chapter 72.

54. Inspection Procedure

1. When a cooper desires to sell or ship containers to be used for packing such pickled fish as come under the Fish Inspection Act, he shall give notice in writing or by other sufficient means to the inspecting officer in whose district the cooper's shop is located, of the number of containers he has ready for inspection and when inspection is required.

2. When a packer desires to sell or ship such fish as come under the Fish Inspection Act, he shall give notice in writing, or by other sufficient means, to the inspecting officer in whose district the fish have been packed, of the quantity and kinds of fish he has ready for inspection and when inspection is required.

3. An inspecting officer on receipt of such notice as is mentioned in subsections 1 and 2 above shall so govern his movements over his district that the least possible time shall elapse between the receipt of such notice and the carrying out of the desired inspection.

4. An inspector may detain for the time necessary to complete his inspection, any shipment of pickled fish in respect of which he has reasonable grounds for believing that the containers or their contents constitute a violation of the Act or regulations, and any inspector so detaining such a shipment shall give the owner, if not present, notice of such action by sending a telegram addressed to the packer or repacker whose name is marked on the container.

5. Inspectors must avoid anything which would delay unnecessarily the movement of containers of fish or which would interfere with the interests of those concerned in the fish trade, except in so far as action may be necessary to prevent violations of the Act.

6. Pickled fish may be moved in bulk from an outport to a central point and be sold for packing and preparation for market by the buyer, and be inspected there provided the seller and buyer give their local inspectors particulars as to quantity and kind of fish, etc., that are being moved in bulk. The local inspectors will in turn notify the Chief Supervisor.

55. Inspection of Containers

1. In carrying out the inspection of empty containers an inspector shall closely examine each container in order to satisfy himself that it is constructed in accordance with the regulations. If the container is found to meet with the requirements the inspector shall place thereon a stamp with the words "Container Inspected" and a number indicating his name. If a container is found to fall below the requirements the inspector shall see that the words "Pickled Fish" are removed therefrom.

2. In carrying out the inspection of filled containers an inspector shall closely examine them in order to satisfy himself that they are constructed in accordance with the regulations and he shall, if he considers it necessary, empty the fish out of one container of each size and test its capacity with water. He shall test three others of each size, by calipers, and if he considers it necessary weigh the fish from one container of each size in each lot.

56. Inspection of Fish in the Containers

1. In carrying out an inspection of the fish in containers, an inspecting officer shall open and examine one container in ten, when the lot consists of fifty or more containers, and one container in five when the lot consists of less than fifty containers.

2. Inspecting officers are not restricted to this scale, but, if need be, shall open as many containers as they deem necessary to satisfy themselves that the contents comply with all the requirements of these regulations.

3. The containers opened for examination shall, as far as possible, be opened at the bottom end and the head end alternatively; that is to say, if the first barrel is opened at the head end, the second shall be opened at the bottom end and so on.

4. From one in every five containers opened, the inspecting officer shall remove and examine the fish down to the middle of the container and from each of the remaining containers opened he shall remove and examine the fish half way to the middle of the container.

5. The inspecting officer shall himself remove the fish from the containers when conducting an examination, and shall see that the fish are afterwards placed carefully back in the containers from which they were removed and that the containers are properly closed and coopered without expense to the owner.

6. When an inspecting officer has completed the inspection of containers of pickled fish, he shall see that each container has been marked as required by these regulations.

57. Disposal of Condemned Fish

Fish that are found to be tainted and that are considered by the inspecting officer to be unfit for human food shall not be accepted for inspection and shall be disposed of by the owner under the direction of the inspecting officer in such a way as to prevent the possibility of their being marketed or sold for human food purposes.

58. Reinspection

1. In the event of a packer, repacker or purchaser appealing against the decision of an inspecting officer, and of another inspection being authorized by the Minister, the officer conducting the second inspection shall carry it out exactly in the manner prescribed for the first inspection.

2. An application for reinspection must be made to the Department within seven days after the fish in dispute have been delivered to the applicant. An

extension of time, however, may be granted by the Minister at the request of the applicant provided the quality of pickled fish is found to be larger than the applicant can reasonably handle in the specified time.

59. Imported Fish

An inspection of imported fish for sale in Canada shall be carried out in the manner prescribed for the Canadian product.

60. Regulations Governing the Inspection of Fish in the Fresh, Frozen or Smoked State

1. All fish whether in the fresh, frozen or smoked state shall be sound and wholesome.

2. An inspecting officer may take samples from any lot of fresh, frozen or smoked fish for the purpose of determining whether or not such lot of fish is sound and wholesome.

3. All unsound or unwholesome fish, whether in the fresh, frozen or smoked state, shall be disposed of, as provided by section 57 of these regulations.

61. Classes and Grades of Salted Fish

1. Gaspé Cure Slack Salted (Hard) Dried.

Selected.—Sound quality, reasonably thick, kench or pickle cured; hard dried fish of amber caste, somewhat translucent in appearance, well split, smooth surface, thoroughly clean on back and face, not showing blood stains, clots, liver, gut or any salt on surface.

Choice.—Sound quality fish, hard dried, but not up to standard of Selected; not over-salted, broken, sunburned, slimy, or otherwise defective; fish may be slightly rough in appearance, with slight blood stains and may show traces of salt on surface.

Standard.—Fish not up to standard of Choice; may be poorly split with rough face, showing salt, blood stains, clots and liver stains, with slight sunburn, but not to include sour or tainted fish or slinks.

Substandard.—Includes cullage from any of the above Slack Salted grades, but not fish of Inferior Grade as herein described.

Sizes. —Extra Large	26" and over
Large	22" to 26"
Medium	18" to 22"
Small	12" to 18"
Extra Small	Under 12"

Moisture Content.—Not more than thirty-eight per cent.

2. Gaspé Slack Salted (Soft) Dried and Nova Scotia Fall Cure.

Selected.—Sound quality, reasonably thick, kench or pickle cured; somewhat translucent in appearance, well split, smooth surface, thoroughly clean on back and face, not showing blood stains, clots, liver, gut or any salt on surface.

Choice.—Sound quality fish, but not up to standard of Selected; not over-salted, broken, sunburned, slimy, otherwise defective; fish may be slightly rough in appearance, with slight blood stains and may show traces of salt on surface.

Standard.—Fish not up to standard of Choice; may be poorly split with rough face, showing salt, blood stains, clots and liver stains, with slight sunburn, but not to include sour or tainted fish or slinks.

Substandard.—Includes cullage from any of the above Slack Salted grades, but no fish of Inferior Grade as herein described.

Sizes. —Extra Large	26" and over
Large	22" to 26"
Medium	18" to 22"
Extra Small	Under 12"

Moisture Content.—Not more than forty-eight per cent.

3. Slack Salted Shore Cure (Hard Dried).

Selected.—Sound quality, reasonably thick, kench or pickle cured fish; somewhat translucent in appearance, well split, smooth surface, thoroughly clean on back and face, not showing blood stains, clots, liver, gut or any salt on surface.

Choice.—Sound quality fish, but not up to standard of Selected; not over-salted, broken, sunburned, slimy, or otherwise defective; fish may be slightly rough in appearance, with slight blood stains and may show traces of salt on surface.

Standard.—Fish not up to standard of Choice; may be poorly split with rough face, showing salt, blood stains, clots and liver stains, with slight sunburn, but not to include sour or tainted fish or slinks.

Substandard.—Includes cullage from any or all above Slack Salted grades, but not fish of Inferior Grade as herein described.

Sizes. —Extra Large	26" and over
Large	22" to 26"
Medium	18" to 22"
Small	12" to 18"
Extra Small	Under 12"

Moisture Content.—Not over thirty-eight per cent.

4. Slack Salted Shore Cure (Dried).

Shall include the Grades and Sizes of Slack Salted Shore Cure (Hard Dried) heretofore described (3), the Moisture Content of which has been reduced to forty-three per cent.

5. Heavy Salted Hard Dried.

Selected.—Sound quality reasonably thick fish; firm, smooth, white faced, clean, free from slime; fish to be well split, without blood, liver or other stains; fish may be kench or pickle cured.

Choice.—Sound quality fish; firm, white faced, clean and free from slime; fish to be fairly well split, may show slight blood and/or other stains; fish may be somewhat rough in appearance.

Standard.—Fish not up to standard of Choice; may be poorly split with rough face showing blood clots, liver and salt stains, with slight sunburn, but not to include sour or tainted fish or slinks.

Substandard.—Includes cullage from any of the above Heavy Salted grades (Hard Dried), but not fish of Inferior Grade as herein described.

Sizes. —Extra Large	26" and over
Large	22" to 26"
Medium	18" to 22"
Small	12" to 18"
Extra Small	Under 12"

Moisture Content.—Not more than forty per cent.

6. Heavy Salted Dried.

Shall include the grades and sizes of Heavy Salted Hard Dried heretofore described (5), of which the moisture content is not more than (a) forty-three or (b) forty-five per cent,—as inspected.

7. Inferior Grade (Barbados Quality).

A special type of Substandard Grade, consisting of cullage from any or all the foregoing classifications and/or grades that are below the Standard grade, and including dry fish with dun, slime, sunburn, saltburn, and pieces. Inferior fish may be packed without regard to cull or size.

8. Heavy Salted Saltbulk.

Washed and Pressed.—Kench cured bank fish that have been washed and pressed.

Other.—Kench cured bank fish.

9. Scale Fish

The foregoing classes and grades of salted fish apply to cod, haddock, hake, cusk, pollock and any other similar species of fish, provided that Choice, Standard, and Substandard grades only shall apply to haddock, hake, cusk and pollock, with moisture content of forty per cent, forty-three per cent and forty-five per cent for each class. The following sizes shall apply to such fish:

	Pollock	Hake and Cusk	Haddock
Large.....	Over 16"	Over 20"	Nil
Medium.....	12" to 16"	16" to 20"	over 13"
Small.....	Under 12"	12" to 16"	Under 13"
Extra Small.....	Nil	Under 12"	Nil

10. Green Salted Fish.

Fancy.—Sound, heavy salted, reasonably thick pickle cured fish; well split, white naped, without blood clots, blood stains or other such discoloration; firm, smooth faced, bled or of the same whiteness as if fish were bled. (This grade chiefly for the boneless trade.)

Choice.—Not up to the standard of Fancy, may be kench or pickle cured; black or white naped, firm and reasonably well split; may show slight discolorations, but must be free from broken, slimy, putty, sour, or tainted fish, and slinks.

Substandard.—Includes cullage from either of the above grades of green salted fish.

Sizes.—Extra Large	26" and over
Large	22" to 26"
Medium	18" to 22"
Small	12" to 18"
Extra Small	Under 12"

Note.—All measurements for size of foregoing grades to be from the end of the backbone at the round of the tail, up the centre, to the end of the flesh at the neck, but not to include the flap of the neck.

11. Pickled Fillets.

Boneless.—Sound heavy salted, pickle cured fillets; clean, sweet and firm, reasonably white in colour, all bones and fins removed, napes and edges trimmed to remove loose pieces and tail tips.

Semi-boneless.—Same as above without removal of pin bones.

Sizes.—Large: cut from fish over 22"—up to 60 pieces per 100 lbs.

Medium: cut from fish 18" to 22"—from 61 to 125 pieces per 100 lbs

Small: cut from fish 12" to 18"—more than 125 pieces per 100 lbs.

Note.—Except in the Barbados Quality, fish showing "red" or "pink" are not acceptable under any of the foregoing classifications or grades of salted fish.

62. Application of Classes and Grades

1. The foregoing classes and grades of salted fish apply to cod, haddock, hake, cusk, pollock and any other similar species of fish.

2. In the event of a fisherman or other producer and a buyer or dealer having agreed to sell or buy fish in accordance with the standards set forth in section 61 above, either of such shall have the privilege of requesting the services of a duly appointed inspecting officer to inspect such fish and decide whether the fish are in accordance with the various standards herein established. The inspection shall be at such time and place as may be agreed upon between the seller, buyer and inspecting officer.

3. No dry or green salted cod, haddock, hake, cusk, or pollock shall be exported from Canada unless:

- (a) it has been packed in accordance with the classes and grades established by section 61 above;
- (b) the containers have been marked to show the name and address of the packer or exporter, the class, grade and net weight avoirdupois of the fish in each container;
- (c) such fish has been inspected within 30 days immediately preceding the date of its shipment out of Canada by an inspecting officer and the containers thereof stamped or stencilled by him with a Crown containing the words "Canada Inspected" and a number identifying the inspecting officer.

4. An inspecting officer when called upon to inspect fish according to the classes and grades shown above, shall conduct the inspection in such manner and by such method as will entirely satisfy him as to the size, grade and quality. On completion of the inspection, he shall, in the case of export from Canada, issue an inspection certificate and, in the case of inspection agreed upon between the seller and buyer, deliver to each a written report on the result of the inspection.

(Extract from the CANADA GAZETTE (Part II) of Wednesday, May 26, 1948.)

SOR/47-1036

Fish Inspection Act—Extending the Application of the Act to various kinds of fish and containers thereof

P.C. 5367

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of December, 1947.

PRESENT

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Subsection 1 of Section 3 of the Fish Inspection Act provides that the said Act shall apply to pickled herring, pickled alewives, pickled mackerel and pickled salmon, and to the containers thereof;

AND WHEREAS Subsection 2 of the same section of the said Act provides that the Governor in Council may extend the provisions of the said Act to any other kinds of fish, to the containers thereof and to fish curing establishments and places where fish are prepared for market by any method except canning;

AND WHEREAS the Governor in Council has from time to time made orders extending the application of the Fish Inspection Act to various kinds of fish and the containers thereof, as well as to establishments where such fish are prepared for market;

AND WHEREAS it is deemed necessary and expedient to consolidate the said orders into one order and to extend further the application of the said Act to other kinds of fish;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of Section 3 of the Fish Inspection Act, is pleased to order as follows:

1. The following Orders in Council are hereby revoked:

P.C. 2248 of November 29, 1927,

P.C. 2036 of October 17, 1929,

P.C. 2065 of September 1, 1937,

P.C. 2295 of September 22, 1927,

P.C. 8148 of October 20, 1944; and

2. The provisions of the Fish Inspection Act shall extend and apply to the following:

- (a) dried, green salted and boneless cod, haddock, hake, cusk and pollock; frozen smelts; scallops; oysters; whitefish; and any other kind of fish, whether fresh, frozen, smoked, salted, pickled, or prepared in any other manner, in respect of which regulations have been made under the said Act;
- (b) the containers used or to be used for packing and marketing such fish;
- (c) fish curing establishments and places where fish are cleaned, salted, smoked, dried or otherwise prepared for market except by canning.

A. D. P. HEENEY,

Clerk of the Privy Council.

THE FRUIT, VEGETABLES AND HONEY ACT

R.S.C. 1952, c. 126

AN ACT respecting Fruit, Vegetables and Honey.

Short Title

Short title.

1. This Act may be cited as the *Fruit, Vegetables and Honey Act, 1935*, c. 62, s. 1.

Interpretation

Definitions.

2. In this Act,

"Broker."

- (a) "broker" means any person engaged in negotiating consignments, sales or purchases for or on behalf of the vendor or purchaser respectively;

"Closed package."

- (b) "closed package" means any package the contents of which cannot be satisfactorily inspected without removing the cover, lid or other closing device;

"Commission agent."

- (c) "commission agent" means any person who receives and handles produce on commission;

"Dealer."

- (d) "dealer" means any person who acquires produce other than as a retailer or who acting in a representative capacity collects from two or more primary producers and in either case sells the same or consigns or transports the same for sale;

"Establishment."

- (e) "establishment" means any plant, factory or premises in which produce is canned or preserved for food for export or interprovincial trade;

"Export or interprovincial trade."

- (f) "export or interprovincial trade" means shipment out of Canada or out of any province to any other province thereof;

"Fruit."

- (g) "fruit" means fruit known botanically as such of any kind grown in Canada, but does not however include any species of wild fruit in respect of which no grade is established;

"Grade."

- (h) "grade" means any grade established pursuant to this Act;

"Inspector."

- (i) "inspector" means any person charged by the Minister with duties relating to the enforcement of this Act;

"Minister."

- (j) "Minister" means the Minister of Agriculture;

"Produce."

- (k) "produce" means fruit or vegetable as defined herein and honey, but for the purposes of sections 10, 11 and 12 excludes honey and includes any kind of fruit or vegetable not grown in Canada;

"To pack."

- (l) "to pack" means to place produce in any package for the purpose of sale;

"Vegetable."

- (m) "vegetable" means vegetable known botanically as such of any kind grown in Canada. 1935, c. 62, s. 2.

Regulations

Regulations.

3. The Minister may from time to time make regulations.

Grades.

- (a) classifying and establishing grades for each kind of produce;

Inspection, etc.

- (b) with respect to the inspection, grading, packages and packing, marking, shipment, advertisement and sale of produce produced within or without Canada;

Fees.

- (c) prescribing fees for inspection, registration and licensing;

Operation.

- (d) prescribing when and where any regulation shall be in force;

Registration.

- (e) with respect to the registration of packers and of persons assembling honey;

Licences.

- (f) with respect to the licensing of brokers, commission agents and dealers;

Sanitation.

- (g) with respect to the cleanliness and sanitation of all premises in which produce is graded or packed or in which honey is assembled, graded or packed;

Penalties.

- (h) prescribing punishment upon summary conviction for the violation of any regulation including maximum and minimum fines not exceeding two hundred dollars and imprisonment not exceeding one month for default in payment of any such fine; and

General.

- (i) with respect to any other matter concerning which the Minister deems any regulation necessary for the execution of the purposes of this Act. 1935, c. 62, s. 3.

Inspection

Inspectors.

4. There may be appointed from time to time in the manner authorized by law such inspectors as are necessary for the enforcement of this Act. 1935, c. 62, s. 4.

Powers of inspectors.

5. Any inspector appointed under this Act may at any time, for the purposes of carrying into effect any provision of this Act or regulations made thereunder,

- (a) enter any place or premises, or any steamship, vessel or boat, or any carriage, car, truck or other vehicle used for the carriage of produce;
- (b) require to be produced for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading, sales records, temperature records or other papers;
- (c) inspect any produce which is being transported by any vehicle and require the driver of any vehicle suspected to be carrying produce, to stop for the purpose of inspection;
- (d) detain for the time necessary to complete his inspection, any shipment of produce; and
- (e) at the expense of the producer or packer take samples of honey from any apiary or other place where honey is prepared or packed. 1935, c. 62, s. 5.

Detention of produce and notice.

6. Produce detained under this Act or the regulations shall at all times be at the risk and expense of the owner, but the inspector shall immediately notify the packer, owner or person having possession of such produce, by prepaid telegram, letter or otherwise, that such produce is being detained in storage or otherwise as the case may be. 1935, c. 62, s. 6.

Certificate to be prima facie evidence.

7. An inspection certificate purporting to be signed by an inspector is *prima facie* evidence of the facts stated in such certificate and conclusive evidence of the authority of the person giving or making the same without any proof of appointment or signature. 1935, c. 62, s. 7.

Produce intended for canning.

8. All produce intended for canning in any establishment shall be presented for inspection and grading as provided by the regulations. 1935, c. 62, s. 8.

Obstructing inspector.

9. No person shall obstruct any inspector or refuse to permit produce to be inspected or give to an inspector a false name or address or other false information. 1935, c. 62, s. 9.

Licensing and Registration

Commission agent to obtain licence.

10. No commission agent shall accept or offer to accept for sale on commission or otherwise deal in any produce shipped from a point outside the province in which he carries on business unless thereto licensed by the Minister. 1935, c. 62, s. 10.

Dealer to obtain licence.

11. No dealer shall ship, buy, accept or offer to accept or otherwise deal in any produce shipped from or to a point outside the province in which he carries on business unless thereto licensed by the Minister. 1935, c. 62, s. 11.

Broker to obtain licence.

12. No broker shall engage in negotiating shipments on consignment, sales or purchases of any produce from or to a point outside the province in which he carries on business for or on behalf of the vendor or purchaser unless thereto licensed by the Minister. 1935, c. 62, s. 12.

Registration of foremen or head packers.

13. The Minister may at the request of any provincial Growers' Association authorize the registration of foremen packers or head packers in charge of or responsible for the work of one or more persons engaged in packing of produce in orchards, packing-houses, warehouses or other premises. 1935, c. 62, s. 13.

Registration of honey exporters.

14. No person shall assemble or ship honey for export or interprovincial trade unless he is first duly registered in accordance with the regulations. 1935, c. 62, s. 14.

Miscellaneous

15. No person shall

Transporting, packing, sale, etc., to be according to Act and regulations.

- (a) transport, pack, advertise, display or offer for sale, sell or have in his possession for sale any produce that has not been graded and inspected and, if in packages, packed and marked in accordance with the provisions of this Act and the regulations, the onus of proof of compliance with such provisions being upon the person charged;

Produce below minimum Grade.

- (b) offer or accept for shipment or ship, transport, offer for sale or sell any produce that is below the minimum grade for such kind of produce, except to a person engaged in the operation of an establishment or other manufacturing or processing plant;

Fraudulent grading.

- (c) represent any produce which he packs, offers for sale or sells in any package to be of a certain grade, variety or class unless such produce has been graded and the package marked in accordance with the regulations;

Misrepresentation.

- (d) misrepresent the grade, variety, class or origin of any produce packed, offered for sale or sold by him in any kind of package;

Fraudulent packing.

- (e) sell or offer for sale or have in his possession for sale any produce in any package of which the faced or shown surface falsely represents the contents in that more than ten per cent of the produce is smaller in size than, or inferior in grade to, or different in variety or maturity from such faced or shown surface;

Packages must be full.

- (f) sell or offer for sale any produce in any package unless such package is well and properly filled;

Pilfering, carelessly handling, etc.

- (g) pilfer or carelessly handle or destroy produce in the process of packing or in transporting, warehousing or otherwise dealing therewith;

Obliterating old marks when re-using packages.

- (h) sell, expose, offer for sale or have in his possession for sale or use again for packing produce any package previously marked in accordance with the Act and regulations unless he first completely removes, erases or obliterates the previous marks; or

Unlawfully using marks.

- (i) without authority
 - (i) use any registered number or mark assigned to any other person,
 - (ii) use any brand, stencil or label designating the owner, packer or shipper,

(iii) alter, efface or obliterate or cause to be altered, effaced or obliterated, wholly or partially, any marks on any package which has been inspected, or

(iv) mark any package of produce in a manner describing or relating to the grade of the contents otherwise than as required by any regulation under this Act. 1935, c. 62, s. 15.

Receiving produce for carriage not properly marked.

16. No common carrier shall receive for carriage or carry any produce to a destination without the province wherein the same is received unless such produce is accompanied by an inspection certificate or other evidence of inspection prescribed by regulation. 1935, c. 62, s. 16.

Offences and Penalties

Offence against section 9.

17. Every person is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars and not less than two hundred dollars and in default of payment of fine to imprisonment for a term not exceeding two months unless the fine is sooner paid who contravenes any provision of section 9. 1935, c. 62, s. 17.

Offence against sections 10, 11 or 12.

18. Every person is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars and not less than one hundred dollars and in default of payment of fine to imprisonment for a term not exceeding two months unless the fine is sooner paid who contravenes any provision of section 10, 11 or 12. 1935, c. 62, s. 18.

Offence against sections 14, 15 or 16.

19. Every person is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars and not less than twenty-five dollars for a first offence and to a fine not exceeding one hundred dollars and not less than fifty dollars for a second offence and to a fine not exceeding two hundred dollars and not less than one hundred dollars for each subsequent offence and in default of payment of the fine to imprisonment for a term not exceeding one month unless the fine is sooner paid who contravenes any provision of section 14, 15 or 16. 1935, c. 62, s. 19.

Offences against Act or regulations for which no penalty is specified.

20. Every person is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars and not less than twenty-five dollars and in default of payment of the fine to imprisonment for a term not exceeding one month unless the fine is sooner paid who contravenes any provision of this Act or regulations in respect of which no penalty is hereinbefore or in any regulation specified. 1935, c. 62, s. 20.

Detention of produce.

21. All produce and all produce packages in respect of which any offence against this Act or regulations thereunder is committed may be placed under detention by an inspector at the risk and expense of the owner until such time as such produce or produce packages comply with the provisions of this Act or regulations, or after a conviction of the owner by a court of competent jurisdiction, may be forfeited to Her Majesty and may be destroyed or otherwise disposed of as the Minister may direct. 1935, c. 62, s. 21.

Application of fines.

22. Any pecuniary penalty imposed under this Act is payable to Her Majesty in right of Canada. 1935, c. 62, s. 22.

Jurisdiction on complaints and averments.

23. For the purpose of jurisdiction under the provisions of the *Criminal Code* relating to summary convictions, in any complaint, information or conviction for a violation of any of the provisions of this Act or regulations, the

matter complained of may be alleged and shall be held to have arisen at the place where the produce was packed, sold, offered, exposed or had in possession for sale or transportation, as the case may be, or at the residence or usual place of residence of the accused. 1935, c. 62, s. 23.

Remedies preserved.

24. No proceedings taken under this Act or conviction recorded in any way affect the right of any person to any legal remedy to which he may otherwise be entitled. 1935, c. 62, s. 24.

General

Vegetables excepted from sections 15 and 16.

25. Section 15 and 16 do not apply

- (a) to certified seed potatoes as the same are defined by the *Destructive Insect and Pest Act* or any regulations made in accordance with the provisions of that Act;
- (b) to vegetables with the top leaves attached commonly termed "green vegetables." 1935, c. 62, s. 25.

Fruit, Vegetables and Honey Act—Regulations under the Act

DEPARTMENT OF AGRICULTURE

Under and by virtue of the power conferred upon me by section 3 of the Fruit, Vegetables and Honey Act, Chapter 62 of the Statutes of 1935, the undersigned hereby orders that the regulations established by Ministerial Order of December 27, 1948, as amended March 14, June 4, July 14 and August 15, 1949, be rescinded and the annexed regulations be made and established in substitution therefor

JAMES G. GARDINER,
Minister of Agriculture.

October 19, 1949.

**REGULATIONS UNDER THE FRUIT, VEGETABLES AND
HONEY ACT**

A. INTERPRETATION

In the regulations following, unless the context otherwise requires,—

- (1) "acceptance"—in addition to the interpretation as laid down in any Provincial Act respecting the sale of goods this term shall be deemed to mean that the buyer has accepted the produce unless—
 - (i) he notifies the seller by wire or the seller's local representative in writing within a reasonable time as defined in paragraph (17) hereunder that he rejects the produce or that he has applied for inspection of said produce; or
 - (ii) following such inspection, he notifies the seller by wire or the seller's local representative in writing of his rejection of said produce within an hour after he has received a verbal or written report of the result of such inspection; or
 - (iii) in the case of freezing temperature as provided in paragraph (17) he shall have notified the seller by wire or the seller's local representative in writing within 24 hours after receipt of notice of arrival of the produce, as to the weather conditions which prevent thorough inspection;

- (2) "*acquire produce other than as a retailer*"—a person shall be deemed to acquire as a retailer any produce which he receives at or brings to the premises for or at which he pays business tax or licence or otherwise is assessed as a retail dealer;
- (3) "*aggregate area*" means the total area under consideration if assembled into one circular area of the diameter specified;
- (4) "*branch*" means any subdivision whether permanent or seasonal of a firm licensed under the Act whose manager or other person responsible for the conduct of the business has discretionary authority in performing the usual functions of a commission agent, dealer or broker;
- (5) "*carload*" means, except as otherwise established by the Department, the maximum quantity shipped or received in a railway car; or more than 15,000 lbs. of produce shipped or received in such car.
- (6) "*class*" in respect of honey means any group of honeys falling between two definite limits of colour as established on the Dominion Honey Classifier,—an instrument so designated commercially which is manufactured to the specifications of, and authorized by the Department;
- (7) "*Department*" means the Fruit and Vegetable Division, Marketing Service, Department of Agriculture, Ottawa;
- (8) "*diameter*" means the greatest diameter at right angles to the longitudinal axis;
- (9) "*first dealer*" in respect of honey means any person who buys or otherwise acquires honey packed by another, for sale under his own label;
- (10) "*handpicked*" means the fruit shows no evidence of rough handling or having been on the ground;
- (11) "*inspection*" means inspection by an inspector appointed under the Act, and "*inspected*" has corresponding meaning;
- (12) "*inspection point*" means any point or area regularly attended by an inspector;
- (13) "*licensee*" means any person who holds an unrevoked and unsuspended licence issued by the Minister under the Act;
- (14) "*liquid honey*" means honey containing not more than 5 per cent visible crystals and which has been treated to preserve its original liquid form;
- (15) "*mature*" unless otherwise defined means the fruit has reached the stage of development which ensures completion of the ripening process;
- (16) "*properly packed*" means that the produce is not slack or overpressed or otherwise in condition likely to result in permanent damage during handling or in transit; and shall also mean—
 - (i) if apples in packages of one-half bushel or greater capacity, with the recognized wooden cover properly secured; ring-faced and well tailed if in barrels or hampers; packed without bulge if in crates;
 - (ii) bags or sacks shall not be loosely or insecurely closed;
 - (iii) when tarlatan or other transparent covering is used the fruit shall be well heaped and tightly packed with the cover drawn sufficiently tight and secure to prevent any appreciable movement of the fruit.
- (17) "*reasonable time*" shall be deemed to mean a period not exceeding 24 hours exclusive of Sundays and legal holidays after receipt of notice of arrival of the produce, unless at the time of the receipt by the buyer of notice of arrival of the produce the temperature is sufficiently below freezing to render a complete inspection dangerous thereto, commodity and existing weather considered. Under such circumstances a preliminary inspection for the sole purpose of determining whether transit freezing injury is present in the load shall be made or caused to be made as soon as possible after the receipt of such notice of arrival,

and further inspection of the produce for the purpose of determining whether the same meets the requirements of the contract may be deferred until such time as temperature and weather conditions will permit such inspection to be safely made. The meaning of the terms "as soon as possible" and "safely made" shall be determined upon a consideration of all the facts and circumstances existing in each case;

- (18) "*registered trade name*" means any name or trade mark registered with the Dominion Commissioner of Patents;
- (19) "*reject*" shall be deemed to mean the act of any person who has purchased produce or offered to handle produce on consignment in—
 - (i) refusing or failing to accept such produce or failing to apply for inspection of said produce within a reasonable time as defined in paragraph (17), or
 - (ii) advising the seller or his agent before such produce is shipped or while it is in transit that he will not accept such produce in accordance with his contract or offer, or
 - (iii) indicating an intention not to accept such produce through an act or a failure to act either of which is inconsistent with the contract;
- (20) "*sized*" means that the fruit in a box or crate shall not be of size range greater than $\frac{1}{4}$ inch in diameter except that with apples of box count sizes 138 and smaller the range shall not exceed $\frac{3}{16}$ inch. In order to allow for variations incident to commercial packing not more than 5 per cent may be outside the size ranges;
- (21) "*smooth*" means not ridged, angular or indented;
- (22) "*sound*" means that at time of packing, loading or final shipping point inspection the produce is free from defects known hereinafter as "condition defects" such as decay, breakdown, freezing injury, bitter pit, soft or shrivelled specimens, watercore, over-ripe specimens, brown core, corky core or other injury affecting the keeping quality;
- (23) "*stemless fruit*" means fruit with no portion of the stem remaining attached and no broken skin at the stem end;
- (24) "*superior*" means surpassing the average for the variety;
- (25) "*tank lot*" in respect of honey means the honey contained in any single storage tank or receptacle from which containers or packages are filled at the apiary or packing plant;
- (26) "*truly and correctly to account*" shall be deemed to include—
 - (i) prompt rendering of a true and correct itemized statement of the sale or other disposition of any consignment of produce with full payment of the gross amount for which each such consignment or subdivision thereof is sold less the proper, usual or agreed selling charges with all other expenses necessarily and actually incurred or agreed to in the handling thereof;
 - (ii) the prompt payment of deficits or other adjustments resulting from the handling of produce on consignment;
 - (iii) the prompt payment of brokerage duly earned;
 - (iv) the payment of the purchase price or other amount due either the seller or the buyer in accordance with the terms of the agreement between the parties concerned in settlement for produce purchased or sold;
- (27) "*well formed*" means of a shape characteristic of the variety.

B. INSPECTION

1. (1) Inspection and certification shall be required of produce as prescribed in clause 1 of the Exports and Imports Regulations and of straight or mixed carload, cargo or truck shipments of or containing—

- (a) apples, apricots, beets or carrots without tops, cabbage, cantaloupes, celery, cherries, cucumbers, grapes, head lettuce, onions without tops,

peaches, pears, plums, prunes, potatoes, turnips or rutabagas, or tomatoes grown in British Columbia and to be shipped to any other province;

(c) apples, winter celery (from October 1 inclusive in each crop season), grapes, onions without tops, peaches, pears, plums, potatoes or tomatoes grown in Ontario and to be shipped to any other province;

(d) apples or potatoes grown in New Brunswick or Nova Scotia and to be shipped to any other province;

(e) potatoes or rutabagas grown in Prince Edward Island and to be shipped to any other province.

(2) Except as herein otherwise permitted, no common carrier shall receive for carriage or carry and no person shall for trade purposes, ship, consign or transport any produce named in sub-clause (1) hereof unless such produce is accompanied by a Release Permit or evidence of inspection as follows:—

(a) Inspection Certificate issued by an inspector certifying that such produce has been inspected and found to comply with the requirements of the Act and Regulations; or

(b) "Inspected" card issued for the purpose at the Inspector's convenience; or

(c) Notation upon the shipping bill and way bill of the number and date of the inspection certificate submitted or verified for the purpose to the billing agent by the inspector.

2. At discretion a Release Permit may be issued for any shipment of produce to move for first inspection to an intermediate or destination inspection point in Canada or for gift shipments of apples for shipment out of Canada.

3. (1) Any person requiring produce to be inspected shall give adequate notice to the resident inspector. If there be no resident inspector at least two days' notice shall be given the nearest inspector or the Department.

(2) Inspections shall be made as facilities permit and as nearly as practicable in the order in which applications are received.

4. Inspection may be obtained,—

(a) at time of packing or loading at an inspection point; or

(b) at an intermediate highway inspection point if the produce originates at a non-inspection point; or

(c) at shipping point at time of packing in the case of apples for shipment out of Canada; or

(d) at such place and within such time as may be specified if to move under Release Permit.

5. Inspection certificates covering produce being shipped out of Canada shall be applicable only in case of immediate and continuous movement. Inspected produce held in transit or otherwise unduly delayed shall be deemed not to have been inspected if deterioration in excess of that described in Clause 6 of the General Regulations has occurred.

6. Persons operating storage warehouses shall preserve the identity of each lot of inspected produce held and shall give inspectors sufficient notice of the intended export of any such produce.

7. Produce to be inspected shall be made accessible and so placed as to disclose its quality and condition. Inspectors shall be rendered such assistance as they may require and may cut samples.

8. If the inspector has reason to believe that because of latent defects due to climate or other conditions he is unable to determine the true quality or condition of the produce he shall postpone inspection thereof for such period as in his judgment seems necessary to enable determination of its true quality or condition.

9. (1) Whenever a person financially interested in the produce is dissatisfied with the determination stated in the original inspection certificate he may apply for an appeal inspection. Such application shall state the reasons therefor and may be accompanied by a copy of any previous inspection certificate or other information possessed by the applicant regarding the quality or condition of the produce at the time of original inspection.

(2) Should it appear that the reasons stated in such application are unsubstantial or that the quality or condition of the produce has materially changed or that the produce cannot be made accessible for inspection, the application may be denied.

(3) An appeal inspection certificate which shows the original inspection to have been incorrectly certified as to permanent grade defects shall nullify the original inspection certificate.

(4) Inspections requested to determine factors of quality or condition which may have materially changed since the original inspection, or second inspections requested for the purpose of obtaining an up-to-date certificate but without questioning the correctness of the original certificate, shall not be considered appeal inspections.

10. (1) Inspection certificates shall be issued in quadruplicate; the original and one copy for departmental purposes and two copies for the applicant.

(2) If the shipper resident in Canada is not the applicant for inspection of Canadian produce, a copy of the certificate shall be delivered or mailed to him, without fee.

Fees

11. For each inspection performed, whether for fresh market or for processing purposes, a fee shall be paid by the applicant (i) upon delivery of the certificate, or (ii) in the case of charge accounts upon receipt of a bill from the Department, or (iii) in advance of inspection if so required by the inspector, as follows:—

- (a) *For shipping point inspection*: \$4 per carload of one product; \$5 per carload of more than one product inspected;
- (b) *For destination inspection*: \$5 per carload of one product; \$6 per carload of more than one product inspected;
- (c) *For appeal inspection*: \$8 per carload, provided however that when the appeal certificate reverses the original inspection in whole or in part no fee shall be charged;
- (d) *For inspection in storage*: \$2 per carload for produce which has had shipping point inspection but requires re-certification for forwardance;
- (e) *For inspection in transit for shipment out of Canada*: \$2 per carload for produce which has had shipping point inspection and inspection is requested during trans-shipment or upon re-shipment.
- (f) For inspections other than "carload" (including truck, cargo, express and freight shipments, re-shipments and "local" maturity inspections, etc.):—
 - (i) the fee shall be based on the total gross weight according to the following schedule with a minimum fee of \$1.00 for all commercial inspection certificates. In computing the total gross weight, the total weight according to package and product as established by the Department shall be used.

Gross Weight (lb)	Amount of Fee \$
Up to 6,000	1.00
6,001 to 7,500	1.25
7,501 to 9,000	1.50
9,001 to 10,500	1.75
10,501 to 12,000	2.00

<i>Gross Weight</i> (lb)	<i>Amount of</i> <i>Fee</i> \$
12,001 to 13,500	2.25
13,501 to 15,000	2.50
15,001 to 16,500	2.75
16,501 to 18,000	3.00
18,001 to 19,500	3.25
19,501 to 21,000	3.50
21,001 to 22,500	3.75
22,501 to 24,000	4.00

- (ii) For lots exceeding 24,000 lb. gross weight, the fee shall be based on the customary carload quantity, according to product, at the rate of \$4 per carload of one product and \$5 per carload of more than one product for shipping point inspection, and \$5 per carload of one product and \$6 per carload of more than one product for destination inspection. In computing the number of carloads in the lot, half or more of the customary carload quantity, shall be considered a carload for purposes of fee assessment.

- (g) For honey inspections, except as otherwise provided in clauses 14 and 15 of the Honey Regulations,

- (i) at shipping point or destination one-sixtieth cent per pound, minimum fee \$1.00 but one-twentieth cent per pound with minimum fee 25 cents for a small quantity inspected together with a carlot quantity.
- (ii) For appeal inspection, one-thirtieth cent per pound, minimum fee \$2.00, provided however that when such inspection proves the original inspection to have been incorrectly certified no fee shall be charged and the original certificate shall be deemed automatically annulled by issuance of the appeal certificate.

(2) The Department may vary inspection fees to meet conditions at different points or where the services required are of a particular nature or a fee may be assessed at the rate of \$8 per day, \$5 per half day or \$2 per hour.

(3) Upon request by any person financially interested and payment of a fee of \$1, two copies of a particular inspection certificate may be supplied provided that no fee shall be charged for not more than two copies of a certificate if requested before issuance of the certificate.

(4) For a Release Permit as provided in clause 2 hereof a fee equivalent to the applicable inspection fee shall apply and be payable by the applicant provided that no fee shall be charged for gift shipments of five packages or less.

(5) The Department may require reimbursement for travelling expenses, telegrams, telephones or other items paid or incurred in connection with any inspection or re-inspection made at a place other than an inspection point or other than where the request for such inspection is filed with an inspector.

12. Notwithstanding anything to the contrary in these regulations contained, any inspection certificate or other evidence of inspection may be withheld as required—

- (a) to give effect to instructions issued through the Department for regulation of export or interprovincial shipment of any kind, variety or grade of produce;
- (b) for enforcement of the provisions of Sections 10, 11 or 12 of the Act.

13. These regulations shall not apply to gift shipments of five packages or less, or experimental or exhibition shipments, or such other shipments as may be authorized by the Minister.

C. GRADES

APPLES

1. (1) The grades for apples are Extra Fancy, Fancy and Commercial or "C".

Extra Fancy Grade

- (2) Extra Fancy apples are:

- (a) apples of one variety which are mature, hand picked, clean, smooth, well formed, sound and sized;
- (b) free from insect larva, disease, Jonathan spot, skin broken at the stem, hail marks, sunscald, spray burn, drought spot and stemless fruit;
- (c) free from damage caused by bruises, russetting, insect injury, limb rub, leaf mark, skin puncture, storage scald and San Jose Scale;
- (d) properly packed;
- (e) each apple shall have the amount of colour specified hereinafter for the variety.

- (3) For the purposes of Extra Fancy grade the following shall not be considered as "damage":—

- (a) bruises—handling, packing or package bruises such as are incident to good commercial handling in the preparation of a tight pack, not exceeding one inch in diameter in the aggregate area;
- (b) russetting—
 - (i) for Rome Beauty variety, net-like russetting not exceeding one-half inch in diameter in the aggregate area;
 - (ii) for Yellow Newtown variety, fine net-like russetting at the basin of the stem may overflow therefrom provided it does not extend beyond a point on the greatest diameter, is continuous from the stem bowl, and does not affect more than 10 per cent of the surface in the aggregate area;
 - (iii) for Ribston, Blenheim, Cox Orange, Gano and Ben Davis varieties, russetting at the basin of the stem, and smooth solid russetting not exceeding 20 per cent of the surface in the aggregate area and which blends with the normal colour of the variety;
 - (iv) other varieties, russetting at the basin of the stem, and smooth net-like russetting not exceeding 20 per cent of the surface and which blends with the normal colour of the variety;
- (c) insect injury—Pansy spot not exceeding one-half inch in diameter in the aggregate area;
- (d) limb rub—light limb rub not exceeding an aggregate area of one-quarter inch in diameter;
- (e) leaf mark—light leaf mark russetting not exceeding an aggregate area of one-half inch in diameter;
- (f) skin punctures—for McIntosh and Northern Spy varieties only, one skin puncture, provided it is not over one-eighth inch in diameter and not more than 10 per cent of the specimens in any package are so affected;
- (g) storage scald—from January 1st to the end of the shipping season of each year, slight freckled storage scald not to exceed an aggregate area of 15 per cent of the surface, provided that no scald shall be allowed at the time of packing;
- (h) San Jose scale—not more than two scale spots, provided that not more than 5 per cent of the apples in any package are so affected;
- (i) where any apple shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for the defect with the lesser area tolerance.

Fancy Grade

- (4) Fancy apples are:
 - (a) apples of one variety which are mature, hand picked, clean, smooth, well formed, sound and sized;
 - (b) free from insect larva, Jonathan spot, skin broken at the stem and drought spot;
 - (c) free from damage caused by bruises, russetting, insect injury, limb rub, leaf mark, hail marks, spray burn, sunscald, disease, storage scald, skin punctures, San Jose scale and oyster shell scale;
 - (d) properly packed;
 - (e) each apple shall have the amount of colour specified hereinafter for the variety.
- (5) For the purposes of Fancy grade the following shall not be considered as "damage":
 - (a) bruises—handling, packing or package bruises such as are incident to good commercial handling in the preparation of a tight pack, not exceeding one inch in diameter in the aggregate area;
 - (b) russetting—
 - (i) smooth net-like russetting, or mildew resembling such russetting, not exceeding 25 per cent of the surface in the aggregate area;
 - (ii) solid russetting not exceeding 10 per cent of the surface in the aggregate area;
 - (c) insect injury—
 - (i) Leaf roller, not exceeding an aggregate area of one-quarter inch in diameter and provided it does not deform the fruit;
 - (ii) Pansy spot, not exceeding an aggregate area of one inch in diameter;
 - (iii) insect punctures or stings, two healed-over punctures or stings each of which not over one-eighth inch in diameter inclusive of any encircling discoloured ring, except that for shipment out of Canada no apple maggot stings or injury shall be allowed;
 - (d) limb rub—not exceeding an aggregate area of one-half inch in diameter provided any indentation is slight and the area affected is not soft;
 - (e) leaf mark russetting—not exceeding an aggregate area of three-quarters inch in diameter;
 - (f) hail marks—if the indentations are slight and the appearance is not materially affected as to colour or otherwise, the aggregate area of such marks not to exceed one-half inch in diameter;
 - (g) sunscald or spray burn—where the normal colour of the apple is but slightly changed and there is no blistering or cracking of the skin, and provided that the apple has Extra Fancy colour for the variety;
 - (h) disease—scab spots not exceeding an aggregate area of one-eighth inch in diameter, except that pin-point scab shall not be allowed;
 - (i) storage scald—slight freckled storage scald not exceeding an aggregate area of 25 per cent of the surface, provided that no scald shall be allowed at time of packing;
 - (j) skin punctures—for McIntosh and Northern Spy varieties only, one skin puncture provided it is not over one-eighth inch in diameter and not more than 15 per cent of the specimens in any package are so affected;
 - (k) San Jose or oyster shell scale—not more than two scale spots provided that not more than 5 per cent of the apples in any package are so affected;
 - (l) where any apple shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for the defect with the lesser area tolerance.

Commercial or "C" Grade

- (6) Commercial or "C" grade apples are:
- (a) apples of one variety which are mature, hand picked, clean, sound and sized;
 - (b) free from insect larva;
 - (c) free from serious damage caused by bruises, russetting, insect injury, limb rub, hail marks, drought spots, spray burns, sunscald, disease, storage scald, skin punctures, San Jose scale and oyster shell scale;
 - (d) properly packed;
 - (e) each apple shall have the amount of colour specified hereinafter for the variety;
 - (f) if for final sale within Canada and provided that in addition to other marks required the packages are marked "Cookers", immature or mature Wealthy and earlier varieties and mature Northern Spy may be packed without minimum colour to the following minimum sizes:
Wealthy and earlier— $2\frac{1}{4}$ inches in diameter,
Northern Spy— $2\frac{1}{2}$ inches in diameter.
- (7) For the purposes of Commercial or "C" grade the following shall not be considered as "serious damage":
- (a) bruises—handling, packing and package bruises not exceeding one and one-half inches in diameter in the aggregate area but not soft bruises;
 - (b) russetting—
 - (i) smooth net-like russetting;
 - (ii) smooth solid russetting not exceeding 25 per cent of the surface in the aggregate area;
 - (iii) for Ben Davis and Gano varieties only, rough russetting, not pebbly, which does not affect more than 25 per cent of the surface in the aggregate area and provided the apple has Fancy colour for the variety;
 - (c) insect injury—
 - (i) Pansy spot;
 - (ii) Leaf roller, not affecting more than 5 per cent of the surface in the aggregate area and provided the mark is dry;
 - (iii) Bud-moth injury, four healed-over punctures or stings each of which not over one-eighth inch in diameter inclusive of any encircling discoloured ring; or in the case of small pin-point stings, not to exceed one-half inch in diameter in the aggregate area inclusive of any encircling discoloured ring;
 - (iv) three healed-over insect punctures or stings each of which not over one-eighth inch in diameter, except green and yellow varieties which may be one-quarter inch in diameter, inclusive of any encircling discoloured ring, except that for shipment out of Canada no apple maggot stings or injury shall be allowed;
 - (d) limb rub—not affecting in the aggregate area more than 5 per cent of the surface and provided the area affected is not soft;
 - (e) hail marks—well healed and not exceeding three-quarters inch in diameter in the aggregate area and provided no individual mark exceeds three-eighths inch in diameter and in either case not over one-quarter inch in depth, and provided also that not more than 25 per cent of the apples in any package are so affected;
 - (f) drought spots—not more than three spots if the surface is only slightly depressed or discoloured and provided the aggregate area affected does not exceed one-half inch in diameter;
 - (g) spray burn or sunscald—not exceeding 10 per cent of the surface in the aggregate area and provided the mark is not soft;

- (h) disease—scab spots not exceeding an aggregate area of 5 per cent of the surface;
- (i) storage scald—not exceeding an aggregate area of 25 per cent of the surface, provided that no scald shall be allowed at time of packing;
- (j) skin punctures—two skin punctures each not over one-eighth inch in diameter and provided that not more than 25 per cent of the apples in any package are so affected;
- (k) San Jose scale—not more than two scale spots, provided that not more than 5 per cent of the apples in any package are so affected;
- (l) oyster shell scale—not more than ten scale spots, provided that not more than 25 per cent of the apples in any package are so affected;
- (m) where any apple shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for the defect with the lesser area tolerance.

Hailed Grade

(8) If for final sale within Canada, apples meeting the colour requirements of Fancy or higher grade and, but for hail injury, otherwise meeting the requirements of "C" grade, may be packed, marked and sold under the grade name "Hailed" with well healed hail marks not exceeding one inch in diameter in the aggregate area and provided also that no individual mark exceeds three-eighths inch in diameter and in either case not over one-quarter inch in depth.

General Tolerances

(9) In order to allow for variations incident to commercial grading, handling and packing, in each of the foregoing grades 7 per cent by count of any lot may be below the requirements of the grade at shipping point and 10 per cent at destination but not exceeding 5 per cent shall be allowed for any one defect except that not more than 3 per cent of the entire lot may be affected with decay, no tolerance however to be allowed for apple maggot stings or injury in apples for shipment out of Canada.

In the combination grades no part of any tolerance shall be allowed to reduce the 50 per cent of apples of the higher grade required in the combination.

Combination Grades

- (10) (a) For shipment out of Canada only, combination of the foregoing grades may be packed as follows:
Combination Extra Fancy and Fancy;
Combination Fancy and Commercial or "C".
- (b) In combination grades at least 50 per cent of the apples in any package shall meet the requirements of the higher grade in the combination.

Colour Minima for Apples

(11) Except as provided in sub-clause (6)(f) hereof, the minimum colour requirements for apples are as prescribed in this sub-clause.

(a) In the case of red striped varieties—

- (i) the percentage figures under the letter (a) mean an aggregate area of solid or block red of the shade considered as full characteristic colour for the variety when fully matured and with an additional 15 per cent of reddish colour;
 - (ii) the percentage figures under the letter (b) mean an aggregate area, red or red striped, of the shade considered as full characteristic colour for the variety when fully matured; and
 - (iii) apples meeting either the (a) or the (b) colour requirements qualify for the designated grade.
- (b) Red or Red Striped Varieties

	Minimum Colour—Percentages				
	Extra Fancy Grade		Fancy Grade		"C" Grade
	(a)	(b)	(a)	(b)	Showing of Colour
Alexander	50	65	25	40	15
Arctic	40	55	15	30	15
Astrachan	40	55	15	30	15
Baldwin	40	55	15	30	15
Baxter	50	65	25	40	15
Ben Davis	40	55	15	30	15
Canada Baldwin	50	65	25	40	15
Canada Red	50	65	25	40	15
Cooper Market	40	55	15	30	15
Cortland	40	55	15	30	15
Crimson Beauty	40	55	15	30	15
Crimson Gravenstein	40	55	15	30	15
Delicious	50	65	25	40	15
Early William	40	55	15	30	15
Fameuse or Snow	40	55	15	30	15
Gano	50	65	25	40	15
Jeffries	40	55	15	30	15
Jonathan	40	55	15	30	15
Kendall	50	65	25	40	15
King David	50	65	25	40	15
King (Tompkins King)	40	55	15	30	15
Lawfam	40	55	15	30	15
Linda	40	55	15	30	15
Lobo	50	65	25	40	15
Macoun	40	55	15	30	15
McIntosh	40	55	15	30	15
Northern Spy	40	55	15	30	15
Paragon	50	65	25	40	15
Rome Beauty	40	55	15	30	15
Salome	40	55	15	30	15
Scarlet Pippin	50	65	25	40	15
Seek-no-further (Westfield)	40	55	15	30	15
Spitzenberg	50	65	25	40	15
Stark, Red	50	65	25	40	15
Stayman Winesap	50	65	25	40	15
Wagner	40	55	15	30	15
Wealthy	40	55	15	30	15
Winesap	50	65	25	40	15
Wolfe River	50	65	25	40	15
York Imperial	40	55	15	30	15
Varieties n.o.p.	40	55	15	30	15

(c) Red Cheeked or Blush Varieties

	Extra Fancy Grade	Fancy Grade	"C" Grade
	Perceptibly blushed cheek	Tinge of colour	None
Cox Orange	" "	" "	" "
Cranberry Pippin	" "	" "	" "
Duchess	" "	" "	" "
Dudley	" "	" "	" "
Fallawater	" "	" "	" "
Gravenstein	" "	" "	" "
Hubbardston	" "	" "	" "
Joyce	" "	" "	" "
Lasalle	" "	" "	" "
Laxton Superb	" "	" "	" "
Melba	" "	" "	" "
Milwaukee	" "	" "	" "
Ontario	" "	" "	" "
Peerless	" "	" "	" "
Pewaukee	" "	" "	" "
Red Russet	" "	" "	" "
Sturmer Pippin	" "	" "	" "
Twenty Ounce	" "	" "	" "
Winter Banana	" "	" "	" "
Varieties n.o.p.	" "	" "	" "

(d) Green, Yellow or Russet Varieties

	Extra Fancy Grade	Fancy Grade	"C" Grade
	Characteristic	Characteristic	None
Bishop Pippin	"	"	"
Blenheim	"	"	"
Bough Sweet	"	"	"
Bramley Seedling	"	"	"
Golden Delicious	"	"	"
Golden Russet	40% russet or golden colour	40% russet or golden colour	"
Grimes Golden	Characteristic	Characteristic	"
Mann	"	"	"
Nonpareil (Roxbury Russet)	"	"	"
Northwest Greening	"	"	"
Rhode Is. Greening	"	"	"
Ribston	"	"	"
Stark, Green	"	"	"
Tolman Sweet	"	"	"
Wellington	"	"	"
Yellow Newtown	"	"	"
Yellow Transparent	"	"	"
Varieties n.o.p.	"	"	"

Size Minima and Size Ranges for Apples

(12) Except as provided in sub-clause (15) hereof, the minimum diameter for apples in all grades and packs shall be $2\frac{1}{4}$ inches or 234 box count size.

(13) Except as provided in sub-clauses (6)(f) and 15 hereof, the sizing requirements of packed apples shall be:

(a) by count if tiered;

(b) if not tiered, to one of the following size ranges, except that in other than six quart baskets the size range shall not exceed $\frac{1}{4}$ inch in Extra Fancy grade (any such packs to include all the apples of the designated size range):

$2\frac{1}{4}$ inches to $2\frac{1}{2}$ inches,	$2\frac{1}{4}$ inches to $2\frac{3}{4}$ inches,
$2\frac{1}{2}$ inches to $2\frac{3}{4}$ inches,	$2\frac{1}{2}$ inches to 3 inches,
$2\frac{1}{2}$ inches and up,	$2\frac{3}{4}$ inches to 3 inches,
$2\frac{3}{4}$ inches and up,	3 inches and up;

(c) in order to allow for variations incident to commercial grading and packing, not more than 5 per cent in any package may be outside the designated size or size range.

(14) For the purposes of Extra Fancy, Fancy and Commercial or "C" grades:

(a) "sized" means that the apples in any package, if tiered, shall not be of size range greater than $\frac{1}{4}$ inch in diameter, except that for count sizes 138 and smaller the range shall not exceed $3/16$ inch;

(b) in order to allow for variations incident to commercial grading and packing, not more than 5 per cent in any package may be outside the designated size range.

(15) The Department may authorize inspection and certification of dessert varieties of recognized or outstanding value to 2 inches minimum diameter in Extra Fancy and Fancy grades (a) for shipment out of Canada or (b) for interprovincial movement, under circumstances recommended to the Department by the Provincial Fruit Growers' Associations concerned as warranting such additional supplies being marketed; except that red or red striped varieties shall have 20 per cent additional colour.

CRABAPPLES

5. The following shall be the grades for crabapples:—

- (a) (i) "Fancy" which shall include only sound, mature, clean fruit of one variety;
 (ii) free from damage caused by disease, insects, or mechanical or other means;
 (iii) properly packed, and
 (iv) each crabapple shall be of a minimum size of $1\frac{1}{4}$ inches and the Hyslop variety shall have 35 per cent colour.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Handling bruises or box bruises such as are incident to good commercial handling in the preparation of a tight pack not to exceed one-half inch in diameter in the aggregate area.
 (ii) Russetting up to 10 per cent of the surface.
 (iii) Leaf roller up to an aggregate area of one-quarter inch in diameter provided it does not deform the fruit.
 (iv) One healed-over insect puncture or sting not to exceed one-eighth inch in diameter inclusive of any encircling discoloured ring.
 (v) Limb rub or leaf mark up to an aggregate area of one-quarter inch in diameter.
 (vi) Hail marks where the discoloration and indentations are slight, also hail marks of a russet character, the aggregate area not to exceed one-quarter inch in diameter.
 (vii) Sun scald or spray burn, where the normal colour of the crabapple is only slightly changed, and there is no blistering of the skin.
 (viii) Where any crabapple shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

"C" Grade

- (b) "C" which shall include only sound, mature fruit of one variety and shall be properly packed; each crabapple shall be of the minimum size of one inch in diameter.

In order to allow for variations incident to commercial grading, handling and packing, in each of the foregoing trades, 10 per cent by count of any lot may be below the requirements of the grade but not to exceed one-half of this tolerance shall be allowed for any one defect, except that not more than 3 per cent of the entire lot may be affected with decay.

PEARS

6. The following shall be the grades for pears packed in boxes:

Extra Fancy Grade

- (a) (i) "Extra Fancy" which shall include only sound, mature, clean, hand-picked, sized, well-formed pears of one variety;
 (ii) free from all insect pests, disease, hail marks, sun scald, spray burn, drought spots, insect injury, scald, visible black end;
 (iii) free from damage caused by bruises, russetting, limb rub, leaf mark and skin punctures, and shall be
 (iv) properly packed, and
 (v) of a minimum size of 193 count.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Slight handling bruises and box bruises such as are incident to good commercial handling in the preparation of a tight pack.

- (ii) Characteristic smooth russeting for Clairgeau, Flemish Beauty, Boussock, Bosc, Comice and Winter Nelis varieties.
- (iii) Russeting which is not characteristic of the variety when the aggregate area is not greater than 15 per cent of the surface.
- (iv) Light limb rub or leaf mark of a russet character which is not soft and affects an aggregate area not exceeding three-quarters of an inch in diameter.
- (v) In Anjou variety only, and in case of re-inspection only, one skin puncture is permitted provided not over one-eighth inch in diameter, and not more than 10 per cent of the pears in any one box are so affected.
- (vi) Where any pear shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

Fancy Grade

- (b) (i) "*Fancy*" which shall include only sound, mature, clean, hand-picked, sized, well-formed pears of one variety;
- (ii) free from all insect pests, scald, drought spots, visible black end;
- (iii) free from damage caused by bruises, russeting, insect injury, limb rub, leaf mark, hail marks; sun scald, spray burn, skin punctures and disease, and shall be
- (iv) properly packed, and
- (v) of a minimum size of 193 by count.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Slight handling bruises and box bruises such as are incident to good commercial handling in the preparation of a tight pack.
- (ii) Characteristic smooth russeting for Clairgeau, Flemish Beauty, Boussock, Bosc, Comice and Winter Nelis varieties.
- (iii) Russeting which is not characteristic of the variety when the aggregate area is not greater than 25 per cent of the surface.
- (iv) Two small, well healed over stings, in each of which the diameter of the dark discoloration caused thereby exclusive of any encircling green ring shall be not more than one-eighth inch.
- (v) Leaf roller up to an aggregate area of one-half inch in diameter provided it does not deform the fruit.
- (vi) For sale and distribution in Canada oyster shell scale not exceeding two spots.
- (vii) Light limb rub or leaf mark of a russet character which is not soft and affects an aggregate area not exceeding three-quarters of an inch in diameter.
- (viii) Hail marks where the skin is not broken, where there is no discoloration and where the indentations are slight, also hail marks of a russet character, the aggregate area not to be more than one-half inch in diameter.
- (ix) Sun scald or spray burn where the normal colour of the pear is but slightly changed, and there is no blistering or cracking of the skin.
- (x) Skin punctures; in Anjou variety only, one skin puncture not exceeding one-eighth inch in diameter. On re-inspection one extra skin puncture not exceeding one-eighth inch in diameter; provided that both on first inspection and re-inspection not more than 10 per cent of the pears in any one box are so affected.
- (xi) Scab spots not exceeding an aggregate area of one-quarter inch.
- (xii) Where any pear shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

"C" Grade

- (c) (i) "C" which shall include only sound, mature, clean, hand-picked pears of one variety;
- (ii) free from all insect pests, scald, visible black end;
- (iii) free from serious damage caused by bruises, insect injury, limb rub, sun scald, spray burn, skin puncture, drought spots, hail marks, disease;
- (iv) of a minimum size of 228 by count for Winter Nelis and of a minimum size of 210 by count for other varieties;
- (v) properly packed; sized if tiered, otherwise $2 \frac{1}{16}$ inches minimum diameter.

"Serious Damage." The following shall not be considered as serious damage for the purposes of this grade:—

- (i) Slightly larger handling and box bruises than specified in Fancy, but no soft bruises.
- (ii) Healed-over stings not to exceed one-half inch in diameter in the aggregate.
- (iii) Leaf roller which does not affect in the aggregate more than 15 per cent of the surface.
- (iv) For sale and distribution within Canada oyster shell scale not exceeding two spots.
- (v) Limb rub which does not affect in the aggregate more than 15 per cent of the surface.
- (vi) Sun scald or spray burn which does not affect in the aggregate more than 15 per cent of the surface, and provided the mark has not turned soft.
- (vii) In Anjou variety only, two skin punctures not exceeding one-eighth inch in diameter; on re-inspection one extra skin puncture not exceeding one-eighth inch in diameter.
- (viii) Three drought spots where the surface is only slightly depressed or discoloured.
- (ix) Hail marks which are well healed, the aggregate area affected not to exceed one-half inch in diameter.
- (x) Scab spots not to exceed an aggregate area of one-half inch in diameter.
- (xi) Speckled mildew which does not affect more than 5 per cent of the surface in the aggregate and provided same is not within three-quarter inch of the calyx.
- (xii) Slightly deformed pears, provided not more than 25 per cent of the surface is affected.
- (xiii) where any pear shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

Combination Fancy and "C" Grade

- (d) A combination of Fancy and "C" grade pears may be packed with at least 50 per cent of the pears in any package meeting the requirements of the higher grade; sized if tiered.

NOTE: The grade designation may be abbreviated as "Comb-FCY-C".

- (2) No pears except Seckel and pickling varieties shall be packed in Extra Fancy and Fancy Grades unless tiered.

In order to allow for variations incident to commercial grading, handling and packing in each of the foregoing grades, 10 per cent by count of any lot may be below the requirements of the grade but not to exceed one-half of this tolerance shall be allowed for any one defect except that not more than 3 per cent of the entire lot may be affected with decay.

7. The following shall be the grades for pears packed in other than the standard pear box:—(See clause 8 *re* "Export Pack".)

No. 1 Grade

- (a) (i) "No. 1" which shall include only sound, mature, clean, hand-picked, well-formed pears of one variety;
- (ii) free from all insect pests, disease, hail marks, sun scald, spray burn, drought spots, insect injury, scald, black end, skin punctures;
- (iii) free from damage caused by bruises, russeting, limb rub;
- (iv) the minimum diameter of No. 1 pears shall be as follows: Clairgeau and Duchess $2\frac{1}{2}$ inches; Clapp Favourite, Flemish Beauty, Howell, Anjou and Bosc $2\frac{1}{4}$ inches; Bartlett, Kieffer and Sheldon $2\frac{1}{8}$ inches; Gifford, Winter Nelis and Lawson 2 inches; Seckel $1\frac{1}{4}$ inches, and shall be
- (v) properly packed.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Handling and package bruises such as are incident to good commercial handling in the preparation of a tight pack not to exceed one inch in diameter in the aggregate area and provided there is no brown discoloration underneath the skin.
- (ii) Characteristic smooth russeting for Flemish Beauty, Boussock, Bosc, Comice and Winter Nelis varieties.
- (iii) Russeting which is not characteristic of the variety when the aggregate area is not greater than 15 per cent of the surface.
- (iv) Light limb rub or leaf mark of a russet character which is not soft and affects an aggregate area not exceeding three-quarters of an inch in diameter.
- (v) Where any pear shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

Domestic Grade

- (b) (i) "Domestic" which shall include only sound, mature, clean, hand-picked, well-formed pears of one variety;
- (ii) free from all drought spots, black end, scald;
- (iii) free from damage caused by bruises, russeting, insect injury, limb rub, skin punctures, hail marks, sun scald, spray burn and disease;
- (iv) the minimum diameter of Domestic pears shall be as follows: Clairgeau and Duchess $2\frac{1}{4}$ inches; Howell and Clapp Favourite 2 inches; Bartlett and Skeldon $1\frac{7}{8}$ inches; Flemish Beauty, Anjou and Bosc, $1\frac{3}{4}$ inches; Kieffer $1\frac{5}{8}$ inches; Gifford, Winter Nelis, Lawson, $1\frac{1}{2}$ inches; Seckel, 1 inch, and shall be
- (v) properly packed.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Handling and package bruises such as are incident to good commercial handling in the preparation of a tight pack not to exceed one inch in diameter in the aggregate area and provided there is no brown discoloration underneath the skin.
- (ii) Characteristic smooth russeting for Flemish Beauty, Boussock, Bosc, Comice and Winter Nelis varieties.
- (iii) Russeting which is not characteristic of the variety when the aggregate area is not greater than 25 per cent of the surface.
- (iv) Two small well healed-over stings, in each of which the diameter of the dark discoloration caused thereby, exclusive of any encircling green ring, shall not be more than one-eighth inch.
- (v) Leaf roller up to an aggregate area of one-half inch in diameter, provided it does not deform the pear.
- (vi) For sale and distribution within Canada, oyster shell scale not exceeding two spots.
- (vii) Light limb rub of a russet character which is not soft and affects an aggregate area not exceeding three-quarters of an inch in diameter.

- (viii) Skin punctures; in Anjou variety only, one skin puncture not exceeding one-eighth inch in diameter. On re-inspection, one extra skin puncture not exceeding one-eighth inch in diameter, provided that on first inspection and re-inspection not more than 15 per cent of the pears in any one package are so affected.
- (ix) Hail marks where the skin is not broken, where there is no discoloration and where indentations are slight, the aggregate area not to be more than one-half inch in diameter.
- (x) Sun scald or spray burn where the normal colour of the pear is but slightly changed, and there is no blistering or cracking of the skin.
- (xi) Scab spots not exceeding an aggregate area of one-quarter inch in diameter.
- (xii) Where any pear shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

No. 3 Grade

- (c) (i) "No. 3" which shall include only sound, mature, handpicked pears of one variety;
- (ii) free from serious damage caused by bruises, insect injury, limb rub, hail marks, sun scald, spray burn, skin puncture, drought spot and disease;
- (iii) each pear shall be of a minimum size of $1\frac{1}{2}$ inches in diameter except for Seckel variety for which the minimum size shall be 1 inch in diameter and shall be
- (iv) properly packed.

"Serious Damage." The following shall not be considered as serious damage for the purposes of this grade:—

- (i) Bruises which do not affect in the aggregate more than 15 per cent of the surface.
- (ii) Russetting.
- (iii) Leaf roller, provided it does not deform more than 25 per cent of the surface.
- (iv) Oyster shell scale.
- (v) Any other insect injury where skin is not broken and which does not affect in the aggregate more than 15 per cent of the surface.
- (vi) Limb rub or leaf mark which does not affect in the aggregate more than 15 per cent of the surface.
- (vii) Hail marks where skin is not broken and the aggregate area affected is not more than three-quarters inch in diameter.
- (viii) Sun scald or spray burn which does not affect in the aggregate more than 15 per cent of the surface and provided the mark has not turned soft.
- (ix) In Anjou variety only, two skin punctures not exceeding one-eighth inch in diameter. On re-inspection only, one extra skin puncture not exceeding one-eighth inch in diameter.
- (x) Drought spots where surface is only slightly depressed or discoloured.
- (xi) Scab spots which do not affect in the aggregate more than 15 per cent of the surface.
- (xii) Slightly deformed pears.
- (xiii) Where any pear shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

8. No. 1 and Domestic grade pears for shipment out of Canada may be packed to the following minimum sizes according to varieties and shall have a size spread of not greater than one-quarter inch in diameter but may be packed $2\frac{1}{2}$ inches up; $2\frac{1}{4}$ inches up and $1\frac{1}{2}$ inches up, as provided in the respective groups. (In addition to other marks required the size range shall be clearly marked on each package in figures not less than one-quarter inch in length.)

	<i>Minimum Size</i>
Clairgeau	} 2½" up 2¼"
Duchess	
Howell	} 2½" up 2"
Clapp Favourite	
Bartlett	} 2¼" up 1¾"
Flemish Beauty	
Kieffer	
Anjou	
Bosc	
Gifford	
Winter Nelis	
Lawson	} 1½" up 1"
Seckel	

(2) In order to allow for variations incident to commercial packing in each of the grades No. 1 and Domestic not more than 5 per cent of the pears in any package may be above the maximum size and not more than 5 per cent below the minimum size stated on the package.

, In order to allow for variations incident to commercial grading, handling and packing in each of the foregoing grades, 10 per cent by count of any lot may be below the requirements of the grade, but not to exceed one-half of this tolerance shall be allowed for any one defect except that not more than 3 per cent of the entire lot may be affected with decay.

PEACHES

9. The following shall be the grades for peaches:—

Select Grade

- (a) (i) "Select" which shall include only sound, uniformly mature, clean, handpicked, sized, well-formed peaches of one variety, of superior colour for the variety;
- (ii) free from all russetting, insect pests, insect injury, limb rub, hail marks, sun scald, skin punctures or breaks, disease, growth cracks, split stones, gum;
- (iii) free from damage caused by bruises;
- (iv) of a minimum size of $2\frac{3}{8}$ inches in diameter except for peaches packed in standard peach boxes the minimum size shall be 60 by count, and shall be
- (v) properly packed.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack.

No. 1 Grade

- (b) (i) "No. 1" which shall include only sound, uniformly mature, clean, handpicked, sized, well-formed peaches of one variety, of good colour for the variety;
- (ii) free from all russetting, insect pests, insect injury, limb rub, hail marks, sun scald, punctures or breaks, disease, growth cracks, split stones, gum;
- (iii) free from damage caused by bruises;
- (iv) of a minimum size of $2\frac{1}{8}$ inches in diameter except for peaches packed in standard peach boxes the minimum size shall be 84 by count, and shall be
- (v) properly packed.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack.

No. 2 Grade

- (c) (i) "No. 2" which shall include only sound, uniformly mature, clean, handpicked, sized, well-formed peaches of one variety;
- (ii) free from all insect pests, skin punctures or breaks, growth, cracks;
- (iii) free from damage caused by bruises, insect injury, split pit, russetting, limb rub, hail marks and disease;
- (iv) of a minimum size of $1\frac{7}{8}$ inches in diameter except for peaches packed in standard peach boxes the minimum size shall be 96 by count, and shall be
- (v) properly packed.

Peaches meeting the requirements of this grade may be marked "Domestic" when packed in baskets or hampers.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Slight handling and packing bruises such as are incident to good commercial handling in the preparation of a tight pack.
 - (ii) Slightly deformed peaches where not more than 15 per cent of the surface is affected.
 - (iii) Split pit where not readily apparent.
 - (iv) Russetting provided not more than an aggregate area of 5 per cent of the surface is affected.
 - (v) Limb rub provided not more than an aggregate area of 5 per cent of the surface is affected.
 - (vi) Hail marks provided not more than an aggregate area of 10 per cent of the surface is affected and provided the indentations are slight and the skin is not broken.
 - (vii) Mildew, scab or ink spot and oak bug injury provided not more than an aggregate area of 5 per cent of the surface is affected.
 - (viii) Where any peach shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.
- (d) Definition of Terms—"Select," "No. 1" and "No. 2" grades:
- (i) "Mature" means, in the case of peaches grown in British Columbia, that the peach shows a definite break from green in the ground colour and is well filled out for the variety.
 - (ii) "Mature" means, in the case of peaches grown in Ontario, that the peach is well developed and has attained sufficient yellow in the ground colour to indicate that the peach will continue to ripen, but in any event the pressure test through the skin shall not exceed 18 lbs. as indicated by a pressure tester with a 5/16 inch plunger.

In order to allow for variations incident to commercial grading, handling and packing, in each of the foregoing grades, 10 per cent by count of any lot may be below the requirements of the grade but not to exceed one-half of this tolerance shall be allowed for any one defect except that not more than 3 per cent of the entire lot may be affected with decay.

APRICOTS

10. The following shall be the grades for apricots:—

No. 1 Grade

- (a) (i) "No. 1" which shall include one sound, uniformly mature, clean, handpicked, well-formed apricots of one variety; fairly uniform in size and of good colour for the variety;

- (ii) free from all bruises, insect pests, insect injury, hail marks, sun scald, skin punctures or breaks, disease, split stones and gum.
- (iii) free from damage caused by russeting, limb rub, leaf marks, spray burn, growth checks, mechanical or other means;
- (iv) each apricot shall be of a minimum size of $1\frac{3}{8}$ inches in diameter, and shall be
- (v) properly packed.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Russeting.
- (ii) Apricots with ink spot similar to freckles.
- (iii) Limb rub $\frac{1}{4}$ inch in the aggregate on the stem end only.
- (iv) Leaf marks $\frac{1}{4}$ inch in diameter in the aggregate.
- (v) Healed over growth checks $\frac{1}{4}$ inch in diameter.
- (vi) Spray burn $\frac{1}{4}$ inch in diameter.
- (vii) Where any apricot shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

No. 2 Grade

- (b) (i) "No. 2" which shall include only sound, mature, clean, handpicked, well-formed apricots of one variety;
- (ii) free from all insect pests, insect injury, skin punctures or breaks;
- (iii) free from damage caused by bruises, russeting, limb rub, leaf marks, hail marks, growth checks and disease;
- (iv) each apricot shall be of a minimum size of $1\frac{1}{4}$ inches in diameter, and shall be
- (v) properly packed.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Slight handling and package bruises such as are incident to good commercial handling in the preparation of a tight pack.
- (ii) Russeting.
- (iii) Limb rub and leaf mark not exceeding 15 per cent of the surface.
- (iv) Hail marks not exceeding 15 per cent of the surface and provided the indentations are slight and the skin is not broken.
- (v) Healed over growth checks.
- (vi) Apricots with ink spots similar to freckles.
- (vii) Mildew not exceeding 15 per cent of the surface.
- (viii) Slightly deformed apricots where not more than 15 per cent of the surface is affected.
- (ix) Where any apricot shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

No. 3 Grade

- (c) "No. 3" shall in all respects be the same as No. 2, except:—
 - (i) Hail marks are allowed provided they do not cover more than an aggregate area of 25 per cent of the surface;
 - (ii) shall not be packed in the four-basket crate, and shall not be tiered.

In order to allow for variations incident to commercial grading, handling and packing, in each of the foregoing grades, 10 per cent by count of any lot may be below the requirements of the grade, but not to exceed one-half of this tolerance shall be allowed for any one defect except that not more than 3 per cent of the entire lot may be affected with decay.

PLUMS AND FRESH PRUNES

11. The following shall be the grades for plums and fresh prunes:

Select Grade

- (a) (i) "Select" which shall include only sound, mature, clean, well-formed fruit of one variety, of superior size and colour for the variety;
 (ii) free from all russeting, insect pests, bruises, stings;
 (iii) free from damage caused by disease, insect or other means, and shall be
 (iv) properly packed;
 (v) plums and prunes packed under this grade shall be table-graded.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

Any injury from the causes mentioned which is not apparent in the process of proper handling and grading.

In order to allow for variations incident to proper grading and handling not more than 5 per cent by count of any lot may be below the requirements of this grade, but not to exceed one-half of this tolerance shall be allowed for any one defect.

No. 1 Grade

- (b) (i) "No. 1" which shall include only sound, mature, clean, well-formed fruit of one variety, of good colour and size for the variety;
 (ii) free from all purple spot, plum rot, insect pests, insect injury, limb rub, leaf mark, hail marks, sun scald, skin punctures, skin breaks, disease, growth cracks, drought spots;
 (iii) free from damage caused by bruises, russeting, superficial cracks and stemless specimens, and shall be
 (iv) properly packed.

Definition of Terms.—"No. 1" Grade

- (i) "Good colour for the variety":

For Italian type prunes means not less than 75 per cent characteristic colour; for all other varieties of prunes and for plums means colour characteristic of the variety when mature.

- (ii) "Good size for variety":

For Italian type prunes means a minimum of $1\frac{1}{8}$ inches, being the greatest measurement at right angles to a line running from stem to blossom end.

For plums and prunes when packed in tiers in four-basket crates, means a minimum size of 5 x 6; for all other plums and prunes, means the normal size of a fully developed specimen of the variety.

- (iii) "Italian type" means prunes that are "freestone".

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Bruises, slight handling and package bruises such as are incident to good commercial handling in the preparation of a tight pack.
 (ii) Russeting when the aggregate area is not more than 10 per cent of the surface.
 (iii) For peach plums only, a check one-quarter inch in length at the calyx end of the fruit is permitted, provided the flesh is not exposed.
 (iv) Stemless plums or prunes when the stem has been pulled and the skin is not torn beyond the stem basin.
 (v) Where any plum or fresh prune shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

No. 2 Grade

- (c) (i) "No. 2" which shall include only sound, mature, clean, well-formed fruit of one variety, and of fair colour for the variety;
- (ii) free from all insect pests, insect injury, skin punctures, purple spot, plum rot, skin breaks, disease;
- (iii) free from damage caused by bruises, russetting, limb rub, leaf marks, sun scald, growth cracks, drought scars, stemless specimens, and shall be
- (iv) properly packed.

(2) Plums and fresh prunes meeting the requirements of this grade may be marked "Domestic" when packed in baskets or hampers.

Definition of Terms.—"No. 2" Grade.

- (i) "Fair colour for the variety":

For Italian type prunes means not less than 50 per cent characteristic colour.

For all other varieties of prunes and for plums means colour characteristic of the variety when mature.

- (ii) "Italian type" means prunes that are "freestone".

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Bruises, slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack, and provided that not more than 15 per cent of the surface is affected.
- (ii) Russetting not exceeding an aggregate area of 25 per cent of the surface.
- (iii) Limb rub or leaf mark not exceeding an aggregate area of 15 per cent of the surface.
- (iv) Hail marks which slightly indent the fruit and do not affect more than 15 per cent of the surface in the aggregate.
- (v) Sun scald where the normal colour is not materially changed and the skin is not blistered or cracked.
- (vi) Growth cracks, one growth crack not exceeding one-quarter inch in length is permitted, provided it is well healed and shallow.
- (vii) Drought, provided not more than 10 per cent of the surface is affected.
- (viii) Scars not to exceed an aggregate area of 15 per cent of the surface.
- (ix) Stemless plums or prunes where the stem has been pulled and the skin is not torn beyond the stem basin.
- (x) Where any plum or fresh prune shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

In order to allow for variations incident to commercial grading, handling and packing, not more than 10 per cent by count or weight of any lot may be below the requirements of the foregoing grades, but not to exceed one-half of this tolerance shall be allowed for any one defect, except that not more than 3 per cent of the entire lot may be affected with decay.

CHERRIES

12. The following shall be the grades for cherries:—

Select Grade

- (a) (i) "Select" which shall include only sound, mature, handpicked, clean, sweet cherries of one variety, of superior size and colour for the variety, with stems attached;
- (ii) free from insect pests;
- (iii) free from damage caused by disease, insect or other means, and shall be
- (iv) properly packed;
- (v) only sweet cherries may be packed under this grade and such shall be table graded.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

Any injury from the causes mentioned which is not apparent in the process of proper grading and handling.

In order to allow for variations incident to commercial grading and handling not more than 5 per cent by count or weight of any lot may be below the requirements of this grade, but not exceeding one-half of this tolerance shall be allowed for any one defect except that not more than 1 per cent of the entire lot may be affected with brown rot or decay.

No. 1 Grade

- (b) (i) "No. 1" which shall include only sound, mature, handpicked, clean cherries of one variety, of good colour and fair size for the variety; with stems attached;
- (ii) free from bruises, insect pests, insect injury, hail marks, skin breaks, disease, gum, twigs, sawdust, and shall be
- (iii) properly packed;
- (iv) sweet cherries packed in six-quart climax baskets shall be table graded.

No. 2 Grade

- (c) (i) "No. 2" which shall include only sound, mature, handpicked, clean cherries of one variety;
- (ii) free from insect pests, insect injury, disease;
- (iii) free from damage caused by bruises, skin breaks and hail marks, and shall be
- (iv) properly packed.

(2) Cherries meeting the requirements of this grade may be marked "Domestic" when packed in baskets or hampers.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Bruises, slight handling and package bruises such as are incident to good commercial handling and packing.
- (ii) Skin breaks, provided they do not involve an aggregate area of more than $\frac{1}{8}$ inch in diameter.
- (iii) Hail marks are allowed provided they do not cover more than an aggregate area of 25 per cent of the surface.

In order to allow for variations incident to commercial grading and handling not more than 10 per cent by count or weight of any lot may be below the requirements of No. 1 or No. 2 grade, but not exceeding one-half of this tolerance shall be allowed for any one defect, except that not more than 1 per cent of the entire lot may be affected with brown rot or decay.

CANTALOUPE

13. The following shall be the grades for cantaloupes:—

No. 1 Grade

- (a) (i) "No. 1" which shall include only sound, mature, clean, well-formed cantaloupes of one variety, of fairly uniform size and well netted for the variety;
- (ii) free from all insect pests, insect injury, disease, sun scald, cracks, moisture injury, hail marks and mechanical injury, and shall be
- (iii) properly packed.

Definition of Terms—"No. 1" Grade

- (i) "Mature" means cantaloupes which have reached the stage of development at which the flesh is palatable and that the juice of the edible portion of the fruit contains not less than 10 per cent soluble solids as determined by the Brix Hydrometer.

- (ii) "*Well netted*" means having netted characteristics of a well developed specimen of the variety.

No. 2 Grade

- (b) (i) "*No. 2*" which shall include only sound, mature, clean cantaloupes of one variety;
 (ii) free from all insect pests, and shall be
 (iii) properly packed.
 (iv) This grade shall be permitted only during such periods as may be prescribed by the Department.

Definition of Terms—"No. 2" Grade

- (i) "*Mature*" means cantaloupes which have reached the stage of development at which the flesh is palatable and that the juice of the edible portion of the fruit contains not less than 10 per cent soluble solids as determined by the Brix Hydrometer.

In order to allow for variations incident to commercial grading, handling and packing in the foregoing grades, 10 per cent by count of any lot may be below the requirements of the grade, but not to exceed one-half of this tolerance shall be allowed for any one defect except that not more than 3 per cent of the entire lot may be affected with decay.

GRAPES

14. The following shall be the grades for grapes:—

No. 1 Grade

- (a) (i) "*No. 1*" which shall include only sound, mature, clean fully developed grapes of one variety, of good colour for the variety and reasonably well filled bunches for the variety;
 (ii) free from crushed, split or dried berries, hail marks;
 (iii) free from damage caused by disease and insect injury, and shall be
 (iv) properly packed.
 (v) Grapes of this grade shall not be packed in baskets of greater than 6 quarts capacity.

Definition of Terms—"No. 1" Grade

- (i) "*Mature*" means that the fruit has reached that stage where the normal process of ripening has developed a reasonably full flavour for the variety.

"*Damage*." The following shall not be considered as damage for the purposes of this grade:—

- (i) Disease or insect injury, which does not materially affect the appearance or the edible or shipping quality of the grapes.
 (ii) Mildew which does not affect the appearance of the berries and of which there are only slight traces on the inside of the bunch.

No. 2 Grade

- (b) (i) "*No. 2*" which shall include only sound, mature, clean grapes of one variety, of fair colour and size for the variety;
 (ii) free from crushed or split berries, and shall be
 (iii) properly packed.

Grapes meeting the requirements of this grade may be marked "*Domestic*" when packed in baskets or hampers.

Definition of Terms—"No. 2" Grade

- (i) "*Mature*" means that the fruit has reached that stage where the normal process of ripening has developed a reasonably full flavour for the variety.

In order to allow for variations incident to commercial grading, handling and packing, in the foregoing grades, 10 per cent by weight of any lot may be below the requirements of the grade, but not to exceed one-half of this tolerance shall be allowed for any one defect, except that no more than 3 per cent of the entire lot may be affected with decay, and excepting further that the full 10 per cent tolerance shall be allowed for crushed or split berries in No. 2 or Domestic grade when in packages larger than 6 quarts capacity.

FIELD TOMATOES

15. The following shall be the grades for field tomatoes:—

Select Grade

- (a) (i) "*Select*" which shall include only sound, smooth, clean, well-formed tomatoes of one variety, which have reached a uniform state of development that will conform to one of the following maturities: "Mature", "Turning", "Semi-ripe" and "Firm-ripe";
- (ii) free from blossoms and stem ends, scald, growth cracks, water blisters, ground spots, or other scars which indent or mis-shape the tomatoes;
- (iii) free from damage caused by disease, insects or other means, and shall be
- (iv) properly packed; and
- (v) of a minimum size of $2\frac{1}{4}$ inches and a maximum size of $2\frac{1}{2}$ inches in diameter or of a minimum size of $1\frac{3}{4}$ inches and a maximum size of $2\frac{1}{4}$ inches in diameter, except that
- (vi) a minimum of $1\frac{1}{2}$ inches and a maximum size of $1\frac{3}{4}$ inches is permitted, provided that in addition to all other marks required, the packages are marked with the minimum and the maximum sizes.

Definition of Terms—"Select" Grade

"*Damage*" shall mean any injury from the causes mentioned which is apparent in the process of proper grading and handling.

In order to allow for variations incident to proper grading and handling not more than 5 per cent by count of any lot may be below the requirements of this grade, but not to exceed one-half of this tolerance shall be allowed for any one defect.

No. 1 Grade

- (b) (i) "*No. 1*" which shall include only sound, reasonably smooth, clean, well-formed tomatoes of similar varietal characteristics, which have reached a uniform state of development that will conform to one of the following maturities: "Mature", "Turning", "Semi-ripe" and "Firm-ripe";
- (ii) free from disease, scald, water blisters, ground spots, stem ends and worm holes, growth cracks and other scars which are likely to cause leaking or materially affect the appearance of the tomatoes;
- (iii) free from damage caused by blossom end, plant or stem rub and insect injury, and shall be
- (iv) properly packed, and
- (v) of a minimum size of 2 inches in diameter except that
- (vi) of a minimum size of $1\frac{1}{2}$ inches and a maximum size of 2 inches is permitted, provided that in addition to all other marks required, the packages are marked with the minimum and maximum sizes.

Definition of Terms—"No. 1" Grade

- (i) "*Materially affect the appearance of the tomatoes*" means concentric scars around the stem end may be permitted provided same do not exceed in the aggregate one complete circle $1\frac{1}{4}$ inches in diameter or one growth crack radiating from the stem and well healed over and not exceeding $\frac{3}{4}$ of an inch in length.

- (ii) "*Reasonably smooth*" means tomatoes may be slightly ridged, angular or indented.

"Damage." The following shall not be considered as damage for the purposes of this grade, provided that not more than 10 per cent by count in any package are so affected:

- (i) Blossom end which does not affect more than 5 per cent of the surface.
- (ii) Plant or stem rub which when combined does not affect more than 5 per cent of the surface.
- (iii) Insect injury—not more than two well-healed-over stings.

No. 2 Grade

- (c) (i) "*No. 2*" which shall include only sound, clean tomatoes of similar varietal characteristics, which have reached a uniform state of development that will conform to one of the following maturities: "*Mature*", "*Turning*", "*Semi-ripe*", and "*Firm-ripe*";
- (ii) free from rot, water-blisters, open wet cracks, badly mis-shapen, rough or russeted specimens;
 - (iii) free from serious damage caused by bruises, sun scald, catfaces, growth cracks, disease, insects or other means, and shall be
 - (iv) properly packed, and
 - (v) of a minimum size of $1\frac{3}{4}$ inches in diameter.

Definition of Terms—"No. 2" Grade

- (i) "*Badly mis-shapen*" means that the tomato is so badly deformed that its appearance is seriously affected.
- (ii) "*Catfaces*" are irregular, dark, leathery scars and such blossom end scars seriously damage the tomato when greater in area than a circle 1 inch in diameter, or when rough or deep, or when channels extend deeply into the fruit.
- (iii) "*Serious damage*" means any injury or defect which seriously affects the appearance or the edible or shipping quality.

Tomatoes meeting the requirements of this grade may be marked "*Domestic*" when packed in baskets or hampers.

- (d) *Definition of Terms*—"Select", "No. 1" and "No. 2" grades (applicable at shipping point only):—

- (i) "*Mature*" means, except for tomatoes grown in British Columbia, that the tomato shows a definite tinge of pink at blossom end.
- (ii) "*Mature*" means, in the case of tomatoes grown in British Columbia, that the tomato is fully developed, well filled-out, yields to pressure giving a feeling of springiness, bright waxy in appearance, seeds well developed and with the seed cavities showing a jelly-like consistency. A tolerance of 15 per cent of the next succeeding (turning) state of maturity shall be allowed.
- (iii) "*Turning*" means that the tomato shows from a tinge to 25 per cent colour. A combined tolerance of 15 per cent of the preceding (Mature) and the next succeeding (Semi-ripe) state of maturity shall be allowed, except that such tolerance shall be 5 per cent for tomatoes grown in Ontario.
- (iv) "*Semi-ripe*" means that the tomato shows from 25 per cent to 75 per cent colour. A combined tolerance of 15 per cent of the next preceding (Turning) and the next succeeding (Firm-ripe) state of maturity shall be allowed, except that such tolerance shall be 5 per cent for tomatoes grown in Ontario.
- (v) "*Firm-ripe*" means that the tomato shows from 75 per cent to full colour. A tolerance of 15 per cent of the next preceding (Semi-ripe) state of maturity shall be allowed, except that such tolerance shall be 5 per cent for tomatoes grown in Ontario.

In order to allow for variations incident to commercial grading, handling and packing, in the foregoing grades, 10 per cent by count of any lot may be below the requirements of the grade but not to exceed one-half of this tolerance

shall be allowed for any one defect, except that not more than 3 per cent of the entire lot may be affected with decay.

16. When immature tomatoes are packed green for pickling purposes they shall in all other respects conform to the requirements of No. 1 or No. 2 grades and in addition to all other marks required each package shall be marked "Pickers" or "Pickling Tomatoes".

FIELD RHUBARB

17. The following shall be the grades for field rhubarb:—

No. 1 Grade

- (a) "No. 1" which shall consist of stalks showing not less than one-third red colour, and not less than $\frac{3}{4}$ inch in diameter or $2\frac{1}{2}$ inches in circumference at or near the butt end, a minimum length 10 inches over all, the stalks shall be fresh and not wilted, well trimmed, free from stalks pulled from the seed stem, disease, insect and other pests, dirt, trimmings and other foreign matter, and shall be well packed in packages constructed of sound material, clean and of such size as to hold not less than 42 pounds net when packed, except that field rhubarb may be packed in 11-quart veneer-baskets of minimum net weight 12 pounds.

Definition of Terms—"No. 1" Grade

- (i) "Well-packed" means that the stalks shall be placed one way in the container, that is either all across or lengthwise of the package.
 (ii) "Well trimmed" means that the butt shall be left uncut with the skin removed, and the top with slight prong not exceeding one inch in length, but in the event of the stalk being too long for the container, the leaf end only shall be cut.

No. 2 Grade

- (b) "No. 2" which shall consist of stalks free from decay.

In order to allow for variations incident to commercial grading, handling and packing, in No. 1 Grade, 10 per cent by count of any lot may be below requirements of the grade but not to exceed one-half of this tolerance shall be allowed for any one defect except that no decay or stalks below minimum length shall be permitted.

FORCED RHUBARB

18. Forced rhubarb shall be advertised, displayed, sold, offered or had in possession for sale, only by weight or by the bunch weighing not more than 17 ounces nor less than 16 ounces when packed but not less than 15 ounces per bunch when offered for retail sale as originally packed.

STRAWBERRIES

19. The following shall be the grade for strawberries for fresh fruit purposes when offered for sale on a grade basis:—

No. 1 Grade

- (a) "No. 1" shall consist of strawberries with the cap (calyx) attached, which are well-formed, of good colour, firm but not overripe, free from surface moisture, bruises, bird pecks, mould, and from damage caused by sand, disease or other means. The minimum diameter shall be $\frac{3}{4}$ inch for varieties other than Early Bird, Dunlap and Everbearing which shall be $\frac{5}{8}$ inch.

Definition of Terms—"No. 1" Grade

- (i) "Damage" means any injury from the causes mentioned which materially affects the appearance or edible or shipping quality.
 (ii) "Diameter" means the greatest dimension at right angles to a straight line running from the stem to the apex.
 (iii) "Overripe" means dead ripe, becoming soft, a condition unfit for shipment and necessitating immediate consumption.

In order to allow for variations incident to careful commercial grading and handling, 5 per cent by volume of the berries in any lot may be under the prescribed size, and in addition 10 per cent by volume of the berries in such lot may be below the remaining requirements of the grade.

(2) In addition to other marks required by regulation, each crate shall be plainly marked on one end with the grade designation.

TOMATOES FOR PROCESSING PURPOSES

20. The following shall be the grades for tomatoes for processing purposes when purchased from the grower on a grade basis:—

No. 1 Grade

- (a) "*No. 1*" which shall consist of tomatoes which are firm, ripe, well coloured, well formed, free from moulds and decay and from damage caused by growth cracks, worm holes, catfaces, sun scald, freezing injury or mechanical or other means.

No. 2 Grade

- (b) "*No. 2*" which shall consist of tomatoes which do not meet the requirements of the foregoing grade, but which are ripe and fairly well coloured and which are free from serious damage from any cause.

No. 3 Grade

- (c) "*No. 3*" or "*Culls*" are tomatoes which do not meet the requirements of the foregoing grades.

(2) *Minimum Size*: The minimum size for each grade may be fixed by agreement between buyer and seller. Tomatoes below this specified size shall be classed as culls.

Definition of Terms—

- (i) "*Damage*" means any injury which cannot be removed in the ordinary process of trimming and peeling without a loss of more than 10 per cent (by weight) of the tomato in excess of that which would occur if the tomato were perfect.
- (ii) "*Fairly well coloured*" means that the tomato shows at least two-thirds good red colour.
- (iii) "*Firm*" means that the tomato is not soft, puffy, shrivelled, or water soaked.
- (iv) "*Serious damage*" means any injury which cannot be removed in the ordinary process of trimming and peeling without a loss of more than 20 per cent (by weight) of the tomato in excess of that which would occur if the tomato were perfect.
- (v) "*Well-coloured*" means that the tomato shows at least 90 per cent good red colour.
- (vi) "*Well-formed*" means that the tomato shall not be extremely flat or otherwise badly misshapen.

BERRIES AND CURRANTS FOR PROCESSING PURPOSES

21. The following shall be the grades for fresh berries and currants for processing purposes when purchased from the grower on a grade basis:—

Strawberries for Canning

- (a) (i) "*No. 1*" which shall consist of freshly picked, clean, sound, mature strawberries of one variety;
- (ii) free from mould, mildew, stem-rot or other decay, stems, leaves or other foreign matter, green tipped, dried or malformed strawberries (commonly known as monkey-faced or cat-faced berries); and
- (iii) shall be unhulled, unless otherwise specified between the seller and buyer;
- (iv) the diameter shall not be less than $\frac{5}{8}$ -inch or more than $1\frac{1}{4}$ inches.

Strawberries for Jam

- (b) (i) "No. 1" which shall consist of freshly picked, clean, sound, mature, fully red strawberries;
- (ii) free from mould, mildew, stem-rot or other decay, stems, leaves or other foreign matter, green, dried or malformed strawberries (commonly known as monkey-faced or cat-faced berries);
- (iii) shall not be waterlogged;
- (iv) the diameter shall not be less than $\frac{5}{8}$ -inch;
- (v) shall be unhulled, unless otherwise specified between the seller and buyer.
- (c) (i) "No. 2" which shall consist of freshly picked, clean, nearly ripe to fully ripe strawberries;
- (ii) free from mould, mildew, stem rot or other decay, stems, leaves or other foreign matter, green, dried or malformed strawberries (commonly known as monkey-faced or cat-faced berries);
- (iii) shall not be waterlogged;
- (iv) the diameter shall not be less than $\frac{1}{2}$ -inch;
- (v) shall be unhulled, unless otherwise specified between the seller and buyer.

Raspberries for Canning

- (d) (i) "No. 1" which shall consist of freshly picked, clean, sound, mature, ripe but firm raspberries of one variety and of good colour;
- (ii) free from mould, mildew or other decay, cores, stems, leaves or other foreign matter, green or dried raspberries; and
- (iii) shall be whole and uniform in size and not less than $\frac{1}{2}$ inch in diameter.

Raspberries for Jam

- (e) (i) "No. 1" which shall consist of freshly picked, clean, sound, whole, fully ripe raspberries of one variety and of bright red colour;
- (ii) free from mould, mildew or other decay, cores, stems, leaves or other foreign matter; and
- (iii) shall not be waterlogged;
- (iv) the diameter shall be not less than $\frac{1}{2}$ inch.
- (f) (i) "No. 2" which shall consist of freshly picked, clean, fully ripe raspberries of one variety;
- (ii) free from mould, mildew or other decay, cores, stems, leaves or other foreign matter, green or dried raspberries.
- (iii) raspberries in this grade may be soft and slightly darker in colour than No. 1 grade but shall not be broken, matted or waterlogged.

Loganberries for Canning

- (g) (i) "No. 1" which shall consist of freshly picked, clean, sound, mature, uniformly coloured loganberries;
- (ii) free from mould, mildew or other decay, insect injury, sunburn, stems, leaves or other foreign matter, green, dried or malformed loganberries;
- (iii) the length shall be not less than $\frac{3}{4}$ inch.

Loganberries for Jam

- (h) (i) "No. 1" which shall consist of freshly picked, clean, sound, mature loganberries, but not overripe, matted or waterlogged;
- (ii) free from mould, mildew or other decay, insect injury, sunburn, stems, leaves or other foreign matter, green or dried loganberries.
- (i) (i) "No. 2" which shall consist of freshly picked, clean, ripe loganberries, but not matted or waterlogged;
- (ii) free from mould, mildew or other decay, stems, leaves or other foreign matter, green or dried loganberries.

Blackberries for Canning

- (j) (i) "No. 1" which shall consist of freshly picked, whole, clean, sound, mature, entirely black coloured blackberries of one variety;
 (ii) free from mould, mildew or other decay, insect injury, sunburn, stems, leaves or other foreign matter, green or dried blackberries;
 (iii) the diameter shall be not less than $\frac{5}{8}$ inch.

Blackberries for Jam

- (k) (i) "No. 1" which shall consist of freshly picked, clean, sound, mature, entirely black coloured blackberries, not waterlogged; and
 (ii) free from mould, mildew, decay or other disease, insect injury, sunburn, stems, leaves or other foreign matter, green or dried blackberries.

Red Currants for Jam

- (l) (i) "No. 1" which shall consist of freshly picked, clean, mature red currants of good colour;
 (ii) free from sunburn, scab, sweat, mechanical or insect injury, spray mould, mildew, leaves, dirt or other foreign matter.

Black Currants for Jam

- (m) (i) "No. 1" which shall consist of freshly picked, clean, mature black currants of good colour;
 (ii) free from sunburn, scab, sweat, mechanical or insect injury, spray, mould, mildew, leaves, dirt or other foreign matter; and
 (iii) shall be stemmed, unless otherwise specified between the seller and buyer.

Gooseberries

- (n) (i) "No. 1" which shall consist of freshly picked, clean, sound, gooseberries of good shape and quality;
 (ii) free from sunburn, scab, sweat, spray, mechanical or insect injury, leaves, dirt or other foreign matter; and
 (iii) of green colour, turning transparent;
 (iv) the diameter shall be not less than $\frac{3}{8}$ inch.

In order to allow for variations incident to good commercial handling, grading and packing, in each of the foregoing grades, 5 per cent by weight of any lot may be below the requirements of the grade.

HOTHOUSE CUCUMBERS

22. The following shall be the grades for hothouse cucumbers grown in British Columbia when packed in closed packages:—

Extra Fancy Grade

- (a) (i) "Extra Fancy" which shall include only mature, sound, well formed cucumbers of similar varietal characteristics, fresh and well coloured;
 (ii) free from blossoms and all defects and shall be
 (iii) properly packed.

Fancy Grade

- (b) "Fancy" which shall include only cucumbers meeting the requirements of Extra Fancy grade excepting that cucumbers slightly misshapen and pale in colour shall be permitted in this grade.

No. 3 Grade

- (c) (i) "No. 3" which shall include only mature, sound cucumbers of similar varietal characteristics, fresh and well coloured;
 (ii) free from blossoms but may include cucumbers not permitted in the foregoing grades but shall not include any specimens which are badly misshapen and shall be
 (iii) properly packed.

- (d) Each standard package shall be marked to show the number of specimens and minimum length contained, or where the word "Large" or "Medium" is included with the grade designation, the number of specimens and the minimum length shall be as follows:

	White Spine Type	Rochfort or Long Type	Count per package (White Spine Type only)
	12" min.	18" min.	12 or 18 specimens
Extra Fcy. Large . . .	8" min.	16" min.	24 specimens
Extra Fcy. Med. . . .	to 12" max.		

In order to allow for variations incident to proper grading and handling not more than 2 per cent by count of any lot may be below the requirements of these grades. In addition not more than 5 per cent by count may be below the prescribed minimum size and not more than 5 per cent may be larger than the prescribed maximum size.

Definition of terms as used in these grades:—

(1) "Well formed" means the normal typical shape for the variety and not misshapen.

(2) "Similar varietal characteristics" means that the cucumbers are alike as to shape and general characteristics, for example the White Spine type and the Rochfort or long type must not be mixed.

(3) "Fresh" means bright, firm, not wilted or old.

(4) "Well coloured" means that the cucumber shows a good characteristic green colour over practically the entire surface except that area showing characteristic striping.

HOTHOUSE TOMATOES

23. The following shall be the grades for hothouse tomatoes grown in British Columbia when packed in closed packages:—

No. 1 Grade

- (a) (i) "No. 1" which shall include only sound, smooth, round or slightly oval tomatoes of similar varietal characteristics;
- (ii) uniformly coloured, mature but not over-ripe, of uniform size but in two tier packs size range may be $\frac{3}{8}$ inch;
- (iii) free from disease, blemishes and damage of any kind, and shall be
- (iv) properly packed in the standard 4-basket crate of $4\frac{1}{2}$ inches or $4\frac{3}{4}$ inches depth and each basket of tomatoes shall contain a minimum net weight of 5 pounds with not less than 12 and not more than 28 tomatoes in 2-tier packs or not less than 30 and not more than 44 tomatoes in 3-tier packs.

Dessert Grade

- (b) (i) "Dessert" which shall include only tomatoes meeting the requirements of No. 1 grade except that each basket shall contain not less than 46 and not more than 75 tomatoes.

No. 2 Grade

- (c) (i) "No. 2" which shall include only sound tomatoes of similar varietal characteristics, mature but not over-ripe;
- (ii) free from badly misshapen tomatoes, growth, cracks, disease, and any injury or defect which has penetrated through the outer wall of the tomato, and shall be
- (iii) properly packed in the standard 4-basket crate of $4\frac{1}{2}$ inches or $4\frac{3}{4}$ inches depth and each basket of tomatoes shall contain a minimum net weight of 5 pounds with not less than 12 and not more than 28 tomatoes in 2-tier packs or not less than 30 and not more than 44 tomatoes in 3-tier packs.

No. 3 Grade

- (d) (i) "No. 3" which shall include only tomatoes not graded in conformity with any of the foregoing grades but shall not include tomatoes with growth cracks or open scars or tomatoes misshapen to a degree that they are useless;
- (ii) tomatoes of this grade shall be properly packed in the standard lug of the following dimensions: Length $15\frac{3}{4}$ "; width $15\frac{3}{4}$ "; depth $4\frac{1}{2}$ ".

In order to allow for variations incident to proper grading and handling not more than 2 per cent by count of any lot may be below the requirements of these grades, except that in No. 2 grade an additional 10 per cent shall be allowed for minor sizes, blemishes or other similar defects.

CRANBERRIES

24. The following shall be the grades for cranberries:—

No. 1 Grade

- (a) (i) "No. 1" shall include only sound, clean, well-formed cranberries, well coloured and fairly uniform in size;
- (ii) free from all insect pests disease, and from damage caused by mechanical or other means.

No. 2 Grade

- (b) (i) "No. 2" shall include only sound cranberries, fairly well coloured;
- (ii) free from insect pests and from serious damage caused by disease, dirt or other foreign matter, mechanical or other means.

In order to allow for variations incident to good commercial handling and packing, in each of the foregoing grades, 15 per cent by weight of any lot may be below the requirements of the grade but not to exceed one-half of this tolerance shall be allowed for any one defect.

Definition of terms as used in these grades:—

- (1) "well coloured" means 80 per cent of the surface shall be a red colour.
- (2) "free from damage" means that the appearance shall not be injured to an extent readily apparent upon careful examination.
- (3) "fairly well coloured" means that not less than 65 per cent of the surface shall be a red colour.
- (4) "free from serious damage" means any defect which materially affects the appearance of edible or shipping quality.

FOXBERRIES

25. The following shall be the grades for packed foxberries when offered for sale on a grade basis:—

- (a) "No. 1" shall consist of foxberries packed from sound, clean, well-coloured berries, free from decay or frost injury and damage caused by dirt or other foreign matter, disease, insects, mechanical or other means.

In order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of berries in any package may be below the requirements of this grade and not more than four per cent shall be allowed for decay or frost damage.

"Damage" means any injury from the causes mentioned which materially affects the appearance or the edible or the shipping quality of the lot as a whole or individual packages.

- (b) "Unclassified" shall consist of foxberries graded and packed in a manner not in conformity with the foregoing grade requirements.

(2) Pack: Foxberries shall be packed in standard foxberry barrels containing not less than 100 pounds of berries and filled with fresh, clean water.

Standard Barrels

(3) Foxberry barrel stock shall be cut, properly seasoned and jointed so as to ensure the construction of a strong, tight package and may be hooped with four metal hoops or eight split wooden hoops and shall be of the following dimensions as nearly as practicable:

Length of stave	26¾ inches
Diameter of head (with croze)	15½ inches
Circumference at bulge (outside dimensions)	60½ inches

Spots showing the diameters in fractions of an inch are herewith illustrated.



One-eighth inch.



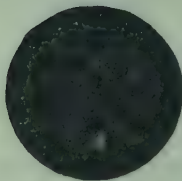
Three-sixteenths inch.



One-fourth inch.



One-half inch.



Three-fourths inch.

POTATOES

26. (1) The grades for table potatoes are Canada Fancy, Canada No. 1, Canada No. 1 Large, Canada No. 1 Small (for shipment out of Canada) and Canada No. 2.

(2) Canada Fancy Potatoes are:

- (a) potatoes of one variety which are bright, well shaped, mature and firm;
- (b) free from dumbbells, specimens from which knobs have been removed, secondary growth, growth cracks, sprouts, sunburn, hollow heart, sprain

(spraing), necrosis, cuts, bruises, freezing injury, dry rot, scab, bacterial ring rot, blight, soft rot, other disease, internal discoloration, insect injury, mechanical injury or other defects;

- (c) of minimum diameter $2\frac{1}{4}$ inches and maximum diameter $3\frac{1}{2}$ inches;
 - (d) properly packed.
- (3) For the purposes of Canada Fancy grade:
- (a) "bright" means free from dirt or other foreign matter, damage or discoloration from any cause, so that the outer skin has the attractive colour normal for the variety;
 - (b) "well shaped" means the typical shape for the variety in the district where grown, and free from pointed or excessively elongated and other ill-shaped specimens;
 - (c) "mature" means that the outer skin is firm and that there is no evidence of feathering;
 - (d) "soft rot" means any soft, mushy condition of the tissue from whatever cause.
- (4) Canada No. 1 potatoes are:
- (a) potatoes of similar varietal characteristics which are firm, reasonably mature and reasonably clean;
 - (b) free from dumbbells, specimens from which knobs have been removed, sunburn, hollow heart, necrosis, sprain (spraing), freezing injury, bacterial ring rot and soft rot;
 - (c) free from damage caused by abnormal growth, growth cracks, cuts, scab, dry rot, blight or other disease, sprouts, insect injury, mechanical or other means;
 - (d) of minimum diameter 2 inches and maximum diameter 4 inches with not less than 75 per cent by weight of the potatoes in the lot $2\frac{1}{4}$ inches or larger in diameter, except that in the case of long shaped varieties the minimum diameter may be $1\frac{3}{4}$ inches for specimens of not less than $3\frac{1}{2}$ inches in length;
 - (e) properly packed.
- (5) For the purposes of Canada No. 1 grade:
- (a) "reasonably mature" means that the outer skin does not loosen or feather readily during the ordinary methods of handling;
 - (b) "reasonably clean" means that the general appearance is not materially affected and that individual potatoes are not materially caked with dirt or materially stained;
 - (c) "soft rot" means any soft, mushy condition of the tissue from whatever cause;
 - (d) "damage" means:
 - (i) pitted scab or any other form of scab which affects the tissue of the tuber;
 - (ii) surface scab of aggregate area greater than 5 per cent of the surface of the individual specimen;
 - (iii) surface scab affecting more than 20 per cent of the specimens in any lot;
 - (iv) when more than 10 per cent of the potatoes in any lot have sprouts over one inch in length;
 - (v) any other injury or defect which causes a waste of more than 5 per cent of the weight of the potato including peel covering the defective area.
- (6) Canada No. 1 Large potatoes are potatoes meeting the requirements of Canada No. 1 grade except that the minimum diameter is $3\frac{1}{4}$ inches.

(7) Canada No. 1 Small potatoes (for shipment out of Canada) are potatoes meeting the requirements of Canada No. 1 grade except that the minimum diameter is $1\frac{1}{2}$ inches and the maximum diameter is $2\frac{1}{4}$ inches.

(8) Canada No. 2 potatoes are—

- (a) potatoes of similar varietal characteristics which are reasonably firm, reasonably mature and reasonably clean;
- (b) free from dumbbells, specimens from which the knobs have been removed, sprain (spraying), freezing injury, hollow heart, bacterial ring rot and soft rot;
- (c) free from serious damage caused by sunburn, abnormal growth, growth cracks, cuts, scab, dry rot, blight or other disease, insect injury, mechanical or other means;
- (d) of minimum diameter $1\frac{3}{4}$ inches with not less than 75 per cent by weight of the potatoes in the lot 2 inches or larger in diameter;
- (e) properly packed;

(9) For the purposes of Canada No. 2 grade—

- (a) "reasonably mature" means that the outer skin does not loosen or feather readily during the ordinary methods of handling;
- (b) "reasonably clean" means that the general appearance is not materially affected and that individual potatoes are not materially caked with dirt;
- (c) "soft rot" means any soft, mushy condition of the tissue from whatever cause;
- (d) "serious damage" means—
 - (i) scab when more than 25 per cent of the surface of the potato in the aggregate is affected;
 - (ii) any other injury or defect which causes a waste of more than 10 per cent of the weight of the potato including peel covering the defective area.

(10) The following shall be allowed as tolerances by weight for variations incident to proper grading and handling:—

- (a) 2 per cent below minimum size and 5 per cent above maximum;
- (b) 1 per cent soft rot other than bacterial ring rot;
- (c) 3 per cent hollow heart, except that in Canada No. 2 grade 10 per cent shall be allowed;
- (d) 4 per cent for other grade defects except that at destination an additional 2 per cent shall be allowed.

(11) The provisions of this clause with elimination of the words "reasonably mature" shall apply to new potatoes, provided that until August 31 inclusive in each calendar year a minimum diameter of $1\frac{7}{8}$ inches shall be the only size requirements for new potatoes.

ONIONS

27. The following shall be the grades for onions:—

- (a) "Canada No. 1" shall include only firm, well shaped, well cured onions of similar varietal characteristics, free from doubles and scallions, not sprouted, nor peeled, nor with root growth, free from seed stems, and from damage caused by freezing injury, disease, insects, mechanical or other means, and practically free from dirt, leaves or other foreign matter. In this grade, *unless otherwise specified*, the size range shall be $1\frac{1}{4}$ to $1\frac{3}{4}$ inches with the additional grade designation "Small", or $1\frac{3}{4}$ inches and up with the additional grade designation "Large".
- (b) "Canada No. 2" shall include only fairly firm, fairly well cured onions of similar varietal characteristics, free from seed stems, doubles and scallions, and from serious damage caused by root growth or freezing.

and from damage caused by disease, insects, mechanical or other means, and practically free from sprouts, dirt, leaves or other foreign matter. In this grade *unless otherwise specified* the size shall not be less than $1\frac{3}{4}$ inches.

The following shall not be considered serious damage for the purpose of this grade:

- (1) Root growth which has been removed provided the onion is fairly firm.
- (2) Freezing which has caused discoloration of the outer two layers provided the onion is still fairly firm.

The following shall be allowed as tolerances by weight for variations incident to commercial grading and handling:

- (i) 5 per cent below the minimum prescribed or specified size and 5 per cent above the maximum prescribed or specified size;
- (ii) 2 per cent decay;
- (iii) 5 per cent for other grade defects.

Any specified size range other than as prescribed in sub-clause (a) or (b) hereof shall be plainly marked on the container or on a tag attached thereto.

- (c) "*Canada No. 3*" shall consist of onions which are not graded in conformity with any of the foregoing grades but shall be free from decay with a tolerance of 7 per cent for this defect.
- (d) "*Canada No. 1 Pickling*" shall include only firm, well-cured onions of similar varietal characteristics, free from doubles, scallions, and ovoid onions, not sprouted or peeled, nor with root growth, and free from damage caused by freezing injury, disease, insects, or other means, and practically free from dirt, leaves or other foreign matter. In this grade, not more than 25 per cent by weight shall be greater than 1 inch in diameter and not more than 3 per cent by weight shall be greater than $1\frac{1}{4}$ inches in diameter.

In order to allow for variations incident to commercial grading and handling 10 per cent by weight may be of ovoid shape and 5 per cent by weight may be below the other quality requirements of this grade, but not more than 2 per cent by weight of the entire lot may be affected with decay.

(2) Definitions of terms:—

- (a) "Well shaped" means having the shape characteristic of the variety, but slightly off type specimens may be permitted.
- (b) "Well cured" means an onion which has the neck well dried out, and is free from damage caused by weather conditions.
- (c) "Doubles" means an onion which has the outer skins broken exposing two centres of growth.
- (d) "Scallion" means an onion which has a thick neck.
- (e) "Practically free" means the appearance shall not be injured to an extent readily apparent on examination.
- (f) "Peeled" means an onion which has lost its outer skins to such a degree that the edible flesh of the onion is exposed.
- (g) An "ovoid" onion is one in which the length of the axis exceeds the diameter by more than $\frac{1}{4}$ inch.

TURNIPS or RUTABAGAS

28. The following shall be the grade for waxed or unwaxed table turnips or rutabagas:—

- (a) "*Canada No. 1*" shall consist of turnips which are of similar varietal characteristics, firm, fairly smooth, fairly well shaped and well trimmed; which are free from soft rot and practically free from damage caused by freezing, pithiness, watercore, black rot, dry rot, disease, insects, growth cracks, cuts, dirt, mechanical or other means; and shall be properly packed.

- (b) Turnips shall be packed to one or other of the following size ranges:

2" to 4"
 3"½ to 5"
 4" to 6"
 5" and up

(except that until August 31 inclusive in each crop year a size range of 3" to 5½" is permitted).

Turnips packed to the above size ranges may be designated for trade purposes as Small, Small Medium, Medium and Large respectively.

For variations incident to commercial grading and handling, the following shall be allowed by count of specimens in any container:

- (i) 5 per cent (at least one specimen) ¼" smaller and 5 per cent (at least one specimen) ½" smaller than the prescribed minimum diameter;
 - (ii) 15 per cent ¼" larger and 5 per cent ½" larger than the prescribed maximum diameter;
 - (iii) 10 per cent for other grade defects but not more than one-half of this amount or 5 per cent for specimens affected with soft rot.
- (c) At the time of packing or initial shipment the above tolerances for defects shall not be exceeded in any package; at other times, however, individual packages in any lot may contain not more than one and one-half times the tolerances specified provided that the average for the entire lot is within the tolerances permitted.

(2) Definition of terms:

- (a) "Waxed" means that clean, dry turnips have been completely immersed in a wax solution.
- (b) "Similar varietal characteristics" means that the turnips in any package are of similar colour and shape; that is, bronze top not mixed with purple tops, nor globe type with long type.
- (c) "Firm" means that the turnips are not soft or shrivelled.
- (d) "Fairly well shaped" means that the turnips are reasonably regular in contour and that the length of the trimmed specimen is not more than one and one-half times the diameter.
- (e) "Well trimmed" means that the top is trimmed to not more than a maximum of ¾" in length, that unattractive secondary rootlets have been removed and that any objectionably long or coarse tail-like part of the root has been cut off except that for the waxed product the stalk and root only may be cut back and the lower half of the turnip smoothly but not deeply trimmed to remove surface blemishes.
- (f) "Soft Rot" means any soft mushy condition of the tissue.
- (g) "Practically free from damage" means:
 - (i) That any external injury from the causes mentioned does not affect in the aggregate more than 25% of the lower half of the turnip, and/or which does not cause a waste of more than 5% by weight, including peel covering defective area;
 - (ii) That any internal injury from insects, freezing, pithiness, black rot, water core, or other diseases does not affect the edible or shipping quality of the turnip and/or which does not cause a waste of more than 5% by weight of the turnip.

CELERY

29. The following shall be the grades for celery:—

- (a) "Canada No. 1" shall consist of well trimmed stalks, fairly well bleached, not wilted, pithy, or badly spread, and free from damage caused by seed stems, freezing, blight, rust, heart rot, disease, mechanical insects, mollusks, or other means; properly packed, and of fairly uniform size. When tops have not been generally clipped back the minimum stalk

length shall be 18 inches or not less than 15 inches when the tops have been clipped back.

In order to allow for variations incident to commercial packing 5 per cent by count may be shorter than the minimum stalk length provided.

- (b) "Canada No. 2" shall consist of stalks which do not meet the requirements of Canada No. 1, but shall be free from heart rot and seed stems
- (c) "Canada No. 1 Heart" shall consist of well trimmed stalks, fairly well bleached, not wilted, pithy, or badly spread and free from damage caused by seed stems, freezing, blight, rust, heart rot, disease, mechanical, insect, mollusks or other means, and properly packed.

In order to allow for variations incident to proper grading and handling in each of the above grades, 10 per cent by count of the stalks in any lot may be below requirements of the grade, but not to exceed one-half of this tolerance shall be allowed for any one defect.

(2) Definition of Terms:—

- (a) "Well trimmed" means that the outside coarse and damaged branches **have been removed** and the portion of the main root remaining is not more than 3 inches in length, except that in the case of celery intended for storage the length of the root shall not apply.
- (b) "Stalk" means an individual plant.
- (c) "Pithy" means that the branches have an open texture with air spaces in the central portion; the stalk shall not be considered pithy unless more than two branches are so affected.
- (d) "Free from damage" means that the celery shall not be injured to an extent readily apparent upon examination.
- (e) "Badly spread" means open stalks where the inner heart branches are not of a reasonable number, length and stockiness.
- (f) "Seed stems" means those stalks which have seed stems showing or in which the formation of seed stems has plainly begun.
- (g) "Mechanical" means that the celery shall be free from cuts, bruises and broken branches.
- (h) "Insects or mollusks" means when the edible part of any branch other than the outer one is affected or when the outer branches have more than a total of one square inch affected.
- (i) "Fairly uniform" means that the stalks in each package or crate shall be of approximately the same diameter and length.
- (j) "Fairly well bleached" means, except celery intended for storage and Utah or green type celery, that the stalks are of a light greenish to white colour.
- (k) "Stalk length" means the distance from where the main root is cut off to a point which represents the average length of the longest branches and leaves.

BEETS

- 30. (1) The grades for topped beets are Canada No. 1 and Canada No. 2.
- (2) Canada No. 1 beets are:
 - (a) beets of similar varietal characteristics which are firm but not woody, well trimmed, fairly smooth, well shaped and reasonably clean;
 - (b) free from decay and freezing injury;
 - (c) free from damage caused by sunburn, sprouts, cuts, growth cracks, insects, rodents, disease, mechanical or other means;
 - (d) of minimum diameter $1\frac{1}{4}$ inches and maximum diameter 3 inches *unless otherwise specified*, when the minimum diameter shall be 1 inch;
 - (e) properly packed.

- (3) Any specified size other than as prescribed in sub-clause (2) (d) hereof shall be plainly marked on the container or on a tag attached thereto.
- (4) For the purposes of Canada No. 1 grade:
- (a) "similar varietal characteristics" means that the beets in any package are of the same general type; for example, flat types such as the Egyptian variety shall not be mixed with globular or semi-globular type beets;
 - (b) "firm" means that the beet is not soft, flabby or shrivelled;
 - (c) "well trimmed" means that the tops are trimmed to not more than one-half inch in length;
 - (d) "fairly smooth" means that the beet is not rough, ridged or misshapen. Slight roughness over the crown or slight pitting caused by shedding of dead leaves shall not be considered as injury to the appearance;
 - (e) "well shaped" means having the shape characteristic of the variety, but slightly off-type specimens shall be permitted;
 - (f) "reasonably clean" means that the general appearance is not materially affected and that individual beets are not materially caked with dirt or materially stained;
 - (g) "decay" means decay from whatever cause;
 - (h) "damage" means any injury from the causes mentioned which materially affects the appearance, edible or shipping quality of the individual beet, or which cannot be removed without a loss of more than 5 per cent of the total weight of the beet.
- (5) Canada No. 2 beets are:
- (a) beets of similar varietal characteristics which are firm, but not woody, well trimmed, not badly misshapen;
 - (b) free from decay and freezing injury;
 - (c) free from serious damage caused by dirt, sprouts, cuts, growth cracks, insects, rodents, disease, mechanical or other means;
 - (d) of minimum diameter $1\frac{1}{4}$ inches *unless otherwise specified*, when the minimum diameter shall be 1 inch.
 - (e) properly packed.
- (6) For the purposes of Canada No. 2 grade:
- (a) "similar varietal characteristics" means that the beets in any package are of the same general type; for example, flat types such as the Egyptian variety shall not be mixed with globular or semi-globular type beets;
 - (b) "firm" means that the beet is not soft, flabby or shrivelled;
 - (c) "well trimmed" means that the tops are trimmed to not more than one-half inch in length;
 - (d) "badly misshapen" means that the beet is so misshapen as to materially affect its appearance or which causes a loss of more than 10 per cent of the total weight of the beet;
 - (e) "decay" means decay from whatever cause;
 - (f) "serious damage" means any damage from the causes mentioned which seriously affects the appearance of the individual beet, or which cannot be removed without a loss of more than 10 per cent of the total weight of the beet.
- (7) The following shall be allowed as tolerances by weight for variations incident to commercial grading and handling:
- (a) 4 per cent below the prescribed or specified minimum size and 8 per cent above the prescribed or specified maximum size;
 - (b) 2 per cent decay;
 - (c) 6 per cent for other grade defects.

CARROTS

31. (1) The grades for topped carrots are Canada No. 1, Canada No. 1—Cut Crowns, and Canada No. 2.

(2) Canada No. 1 carrots are:

- (a) carrots of similar varietal characteristics which are firm but not woody, well trimmed, fairly smooth, well shaped and reasonably clean;
- (b) free from decay and freezing injury;
- (c) free from damage caused by sunburn, sprouts, cuts or cut crowns, growth cracks, insects, rodents, disease, mechanical or other means;
- (d) of minimum length $3\frac{1}{2}$ inches;
- (e) of minimum and maximum diameters, *unless otherwise specified*—
 - $\frac{3}{4}$ to $1\frac{3}{4}$ inches with the additional grade designation "Small";
 - $1\frac{1}{4}$ to $2\frac{1}{4}$ inches with the additional grade designation "Medium";
 - $1\frac{3}{4}$ to $2\frac{3}{4}$ inches with the additional grade designation "Large";

(f) properly packed.

(3) Canada No. 1—Cut Crowns are carrots which otherwise meet all the requirements of Canada No. 1 Grade, but with the crown or shoulder removed.

(4) Any specified size range other than as prescribed in sub-clause (2) (e) hereof shall be plainly marked on the container or on a tag attached thereto.

(5) For the purposes of Canada No. 1 grade:

- (a) "similar varietal characteristics" means that the carrots in any package are of the same general type; for example, short and long type varieties shall not be mixed;
- (b) "firm" means that the carrot is not soft, flabby or shrivelled;
- (c) "well trimmed" means that the tops are trimmed to not more than one-half inch in length;
- (d) "fairly smooth" means that the carrot is not rough, forked or misshapen, or covered with secondary rootlets;
- (e) "well shaped" means having the shape characteristic of the variety, but slightly off-type specimens shall be permitted;
- (f) "reasonably clean" means that the general appearance is not materially affected and that individual carrots are not materially caked with dirt or materially stained;
- (g) "decay" means decay from whatever cause;
- (h) "damage" means injury from the causes mentioned which materially affects the appearance, edible or shipping quality of the individual carrots, or which cannot be removed without a loss of more than 5 per cent of the total weight of the carrot.

(6) Canada No. 2 carrots are:

- (a) carrots of similar varietal characteristics which are firm, but not woody, well trimmed, not badly misshapen;
- (b) free from decay and freezing injury;
- (c) free from serious damage caused by dirt, sprouts, cuts, growth cracks, insects, rodents, disease, mechanical or other means;
- (d) of minimum diameter 1 inch.
- (e) properly packed.

(7) For the purposes of Canada No. 2 grade:

- (a) "similar varietal characteristics" means that the carrots in any package are of the same general type; for example, short and long type varieties shall not be mixed;
- (b) "firm" means that the carrot is not soft, flabby or shrivelled;
- (c) "well trimmed" means that the tops are trimmed to not more than one-half inch in length;

- (d) "badly misshapen" means that the carrot is so forked or misshapen as to materially affect its appearance, or to cause a loss of more than 10 per cent of the total weight of the carrot;
- (e) "decay" means decay from whatever cause;
- (f) "serious damage" means any damage from the causes mentioned which seriously affects the appearance of the individual carrot, or which causes a loss of more than 10 per cent of the total weight of the carrot.
- (8) Carrots may be designated as "Washed Carrots" only if washed prior to being packed.
- (9) The following shall be allowed as tolerances by weight for variations incident to commercial grading and handling:
 - (a) 4 per cent below the prescribed or specified minimum size and 8 per cent above the prescribed or specified maximum size;
 - (b) 2 per cent decay;
 - (c) 6 per cent for other grade defects.

PARSNIPS

- 32. (1) The grades for topped parsnips are Canada No. 1 and Canada No. 2.
- (2) Canada No. 1 parsnips are:
 - (a) parsnips of similar varietal characteristics which are firm but not woody, well trimmed, fairly smooth, fairly well shaped and reasonably clean;
 - (b) free from decay and freezing injury;
 - (c) free from damage caused by discoloration, sprouts, cuts, growth cracks, pithiness, insects, rodents, disease, mechanical or other means;
 - (d) of minimum length 5 inches;
 - (e) of minimum diameter $1\frac{3}{4}$ inches and maximum diameter 4 inches;
 - (f) properly packed.
- (3) For the purposes of Canada No. 1 grade:
 - (a) "similar varietal characteristics" means that the parsnips in any package are of the same general type;
 - (b) "firm" means that the parsnip is not soft, flabby or shrivelled;
 - (c) "well trimmed" means that the tops are trimmed to not more than three-quarters inch in length;
 - (d) "fairly smooth" means that the parsnip is not rough, ridged, or covered with secondary rootlets;
 - (e) "fairly well shaped" means that the parsnip is not turnip-shaped or so forked or misshapen as to materially affect its appearance;
 - (f) "reasonably clean" means that the general appearance is not materially affected and that individual parsnips are not materially caked with dirt or materially stained;
 - (g) "decay" means decay from whatever cause;
 - (h) "damage" means any injury from the causes mentioned which materially affects the appearance, edible or shipping quality of the individual parsnip, or which cannot be removed without a loss of more than 5 per cent of the total weight of the parsnip.
- (4) Canada No. 2 parsnips are:
 - (a) parsnips of similar varietal characteristics which are firm but not woody, well trimmed, not badly misshapen;
 - (b) free from decay and freezing injury;
 - (c) free from serious damage caused by discoloration, dirt, secondary roots, bruises, cuts, growth cracks, pithiness, insects, rodents, disease, mechanical or other means;

- (d) of minimum diameter $1\frac{1}{4}$ inches;
- (e) properly packed.
- (5) For the purposes of Canada No. 2 grade:
 - (a) "similar varietal characteristics" means that the parsnips in any package are of the same general type;
 - (b) "firm" means that the parsnip is not soft, flabby or shrivelled;
 - (c) "well trimmed" means that the tops are trimmed to not more than three-quarters inch in length; except that occasional uncut leaves or leafstems or new top growth exceeding this length which does not materially damage the appearance of the lot shall be permitted;
 - (d) "badly misshapen" means that the parsnip is so forked or misshapen as to materially affect its appearance, or to cause a loss of more than 10 per cent of the total weight of the parsnip;
 - (e) "decay" means decay from whatever cause;
 - (f) "serious damage" means any damage from the causes mentioned which seriously affects the appearance of the individual parsnip, or which cannot be removed without a loss of more than 10 per cent of the total weight of the parsnip.
- (6) The following shall be allowed as tolerances by weight for variations incident to commercial grading and handling:
 - (a) 4 per cent below the prescribed minimum size and 8 per cent above the prescribed maximum size;
 - (b) 2 per cent decay;
 - (c) 6 per cent for other grade defects.

CABBAGE

33. The following shall be the grades for cabbage:—

- (a) "*Canada No. 1*" shall consist of heads of cabbage which are of similar type, fairly uniform in size, reasonably firm and well trimmed, not withered or burst; free from soft rot and seed stems, and free from damage caused by discoloration, freezing, disease, insects or mechanical or other means.
- (b) "*Canada No. 2*" shall consist of heads of cabbage which are of similar type, reasonably firm and well trimmed, not withered or burst; free from soft rot and seed stems and free from serious damage caused by discoloration, freezing, disease, insects or mechanical or other means.

In order to allow for variations incident to proper grading and handling, not more than 10 per cent by weight of any lot may be below the requirements of the grade but not more than one-fifth of this tolerance, or 2 per cent, shall be allowed for decay.

(2) Definition of terms:—

- (a) "Similar type" means that the lot may be of the pointed, flat, savoy or red type as the case may be.
- (b) "Reasonably firm" means that the heads yield slightly to pressure, but are not soft.
- (c) "Well trimmed" means that all outer leaves injured by worm, disease or other means are removed and the stem not longer than $\frac{1}{2}$ inch.
- (d) "Seed stems" means heads which have seed stalks showing or where the formation of the seed stalk is plainly indicated.
- (e) "Free from damage" means that the heads shall not be injured to an extent readily apparent upon examination.
- (f) "Free from serious damage" means that any damage from the causes mentioned may be removed with a loss of not more than 15 per cent of the edible portion.

HEAD LETTUCE

34. The following shall be the grades for head lettuce:—

- (a) "*Canada No. 1*" shall consist of heads of lettuce of similar varietal characteristics, fairly uniform in size, fresh and firm, which are not split or burst, and which are free from decay, tipburn, seed stems, russet, brown blight, doubles, and from damage caused by broken mid-ribs, freezing, dirt, sunburn, discoloration, disease, aphids or other insects, or mechanical or other means. Each head shall be reasonably well trimmed.
- (b) "*Canada No. 1, Roots Attached*" shall consist of heads of lettuce which meet all the requirements of Canada No. 1 grade except that "Reasonably well trimmed" shall not apply.
- (c) "*Canada No. 2*" shall consist of heads of lettuce of similar varietal characteristic, fresh, which are not split or burst and which are free from decay, tipburn, seed stems, russet, brown blight, doubles, and from serious damage caused by broken mid-ribs, freezing, dirt, sunburn, discoloration, disease, aphids or other insects, or mechanical or other means. Each head shall be reasonably well trimmed. Not less than 75 per cent of heads of Iceberg type lettuce shall be firm and the rest shall be fairly firm, and heads of Big Boston type shall be fairly firm.

In order to allow for variations incident to proper grading and handling, not more than 10 per cent by count of any lot may be below the requirements of the above grades but not more than one-half of this tolerance, or 5 per cent, shall be allowed for decay affecting the compact portion of the head. Of the tolerance for decay, not more than two-fifths, or 2 per cent, shall be allowed for slimy decay.

(2) Definition of terms:—

- (a) "Similar varietal characteristics" means that the heads in any package have the same characteristic leaf growth. For example, lettuce of the Iceberg and Big Boston types must not be mixed.
- (b) "Fresh" means that the head is crisp, although the wrapper leaves may be slightly wilted.
- (c) "Firm" as applied to heads of Iceberg type lettuce means that the head is compact and yields only slightly to pressure; as applied to heads of Big Boston type lettuce, means that the head is fairly compact.
- (d) "Burst" means that the head is broken open.
- (e) "Free from seed stems" means heads in which the seed stems are not showing, or in which the formation of seed stems is not distinctly indicated.
- (f) "Doubles" means two heads on the same stem.
- (g) "Damage" means any injury which materially affects the appearance or the edible or the shipping quality.
- (h) "Reasonably well trimmed" means that the butt is trimmed off close to the point of attachment of the outer leaves, that the coarse outer leaves have been removed, and that heads of Iceberg type do not have more than 12 wrapper leaves.
- (i) "Wrapper Leaves" means all leaves which do not closely unfold the compact portion of the head.
- (j) "Fairly firm" means that although the head is not firm, it is not soft or spongy.
- (k) "Free from serious damage" means free from any injury which causes loss of a portion of the edible part of the head.

ASPARAGUS

35. The following shall be the grades for asparagus:—

- (a) "*Canada No. 1 Large*" shall consist of fresh, well-trimmed stalks of asparagus which are not badly crooked, which do not have broken or spreading tips, and which are free from decay and from damage caused by dirt, disease, insects, mechanical or other means. The base of each stalk shall be over $\frac{3}{8}$ inch in diameter and the length shall be not less than $5\frac{1}{4}$ inches and at least 85 per cent of the length of each stalk shall be green.
- (b) "*Canada No. 1, Medium*" shall consist of fresh, well-trimmed stalks, which do not have broken or spreading tips and which are free from decay and from damage caused by dirt, disease, insects, mechanical or other means. The base of each stalk shall be not less than $\frac{1}{4}$ inch in diameter and the length shall be not less than $5\frac{1}{2}$ inches and at least 85 per cent of the length of each stalk shall be green.
- (c) "*Canada No. 1*" shall consist of stalks of asparagus packed only in the 11-quart veneer basket and which are of fairly uniform length; each stalk shall be not less than $\frac{3}{8}$ inch in diameter and with the exception of length and size shall meet all the requirements of Canada No. 1 Large grade. The minimum weight of each basket containing bunched asparagus shall be not less than 12 pounds net when packed or at time of initial shipment.

In order to allow for variations incident to commercial grading and handling not more than 5 per cent by count of any lot may be below the size requirements. In addition, not more than 10 per cent by count of any lot may be below the remaining requirements of these grades but no part of this tolerance shall be allowed for decay.

- (d) "*Canada No. 2*" shall include all asparagus which does not comply with the requirements of Canada No. 1 grade, Medium or Large, but shall be free from decay and from serious damage, and at least 85 per cent of the length of each stalk shall be green.

(2) When asparagus is packed, transported, advertised, displayed, sold, offered or had in possession for sale by the bunch, each bunch shall weigh 8 ounces or 16 ounces excepting that when offered for retail sale as originally packed each bunch shall not weigh less than 7 ounces or 14 ounces respectively.

(3) Definition of terms:—

- (a) "well trimmed" means that the butts of the stalks shall be smoothly and evenly cut and free from stringy or frayed ends.
- (b) "badly crooked" means that the stalk is so misshapen or curved that its appearance is seriously affected.
- (c) "damage" means any injury from the causes mentioned which materially affects the appearance or the edible or shipping quality of the asparagus.
- (d) "fairly uniform length" means the stalks in a package shall not vary more than $1\frac{1}{2}$ inches in length.

BLUEBERRIES

36. The following shall be the grade for blueberries (including blueberries frozen but not otherwise processed if packed in containers of greater than 20 lbs. capacity) when offered for sale on a grade basis:—

No. 1 Grade

- (a) (i) "*No. 1*" which shall include only sound, well formed blueberries, well coloured and fairly uniform in size, dry except if packed in leakproof containers or if frozen;
- (ii) apparently free from insect pests and disease and free from green berries, leaves, stems, dirt or other foreign matter;

- (iii) free from damage caused by mechanical or other means and shall be
- (iv) properly packed.

In order to allow for variations, other than insect pests, incident to proper grading and handling, not more than 10 per cent by weight of the berries in any lot may be below the requirements of this grade, but not more than one-half of this tolerance or 5 per cent shall be allowed for any one defect except that not more than 1 per cent shall be allowed for green berries.

Definition of terms:—

- (i) "well coloured", except for frozen blueberries, means mature light blue colour with not less than eighty per cent of the surface showing natural bloom.
- (ii) "free from damage" means that the appearance shall not be injured to an extent readily apparent upon careful examination.

D. PACKAGES

1. All produce packages manufactured in Canada or for use in Canada shall be of dimensions specified in these regulations; except that the Department may authorize the manufacture and experimental use of other packages if identified and distributed as prescribed by such authorization.

2. (1) Produce for which standard packages are provided in these regulations shall be packed only in packages identified in these regulations for each individual kind of fruit or vegetable. Packages hereinafter prescribed but not identified with a certain kind of produce may be used for any produce.

(2) Fruit for which grades are prescribed by the Act and regulations thereunder when shipped or transported in bulk shall be enclosed in one or other of the packages hereinafter standardized for such kind of fruit except that fruit for processing purposes shall be exempt from the provisions of this sub-clause.

3. No package shall be used, transported, offered for sale or sold as a container for produce which is damaged sufficiently that the shipping or marketing quality of produce packed therein may be injuriously affected.

4. (1) All material manufactured for use in the construction of standard produce packages made of wood shall be good, sound, seasoned, strong and clean, and shall be as nearly as practicable of the dimensions, specified in these regulations.

(2) Apple, pear and potato barrel stock shall be cut, properly seasoned and jointed so as to ensure the construction of a firm, tight, standard package; apple and pear barrels shall be free from discoloration.

(3) Material used in the manufacture of boxes, crates or lugs shall not contain more than one loose knot in each piece of shook, which shall be not more than $1\frac{1}{4}$ inches in diameter, except that in the case of cherry lugs, it shall be not more than $\frac{3}{4}$ of an inch in diameter, and such knot in any piece of shook shall be at least $\frac{1}{2}$ inch from any edge.

5. Not more than one cleat at each end shall be used under the cover on any box or lug, such cleat to be not more than $\frac{5}{16}$ inch in depth, except that the depth of cleat shall not apply for large size peaches, apricots and plums.

6. The dimensions for barrels, half-barrels and bushel barrels apply to packages made from hardwood and when made from softwood where the thickness of the head is increased it is necessary to lengthen the stave so as to ensure the prescribed distance between heads and circumference at bilge.

7. When fruit is packed in packages having trays or fillers wherein it is intended to have a separate compartment for each fruit, the provisions of these package regulations shall not apply.

8. The following shall be the weights and, as nearly as practicable, the dimensions and capacities of the packages specified herein. Unless otherwise stated all dimensions are inside measurements:—

- (1) (a) *Apple and Pear Barrels*—7,056 cubic inches—which shall be the standard barrel also for potatoes, including seed potatoes.
- | | |
|---|------------|
| Length of stave | 28½ inches |
| Diameter of head | 17½ inches |
| Distance between heads | 26 inches |
| Circumference at bilge (outside measurements) | 64 inches |
- (b) *Apple and Pear Half-Barrels*—3,528 cubic inches.
- | | |
|---|------------|
| Length of stave | 22½ inches |
| Diameter of head | 14 inches |
| Distance between heads | 20 inches |
| Circumference at bilge (outside measurements) | 51½ inches |
- (c) *Apple and Pear Bushel-Barrels*—2,218 cubic inches.
- | | |
|---|------------------|
| Length of stave | 13¼ or 18 inches |
| Diameter of head | 15 or 12½ inches |
| Distance between heads | 12¼ or 16 inches |
| Circumference at bilge (outside measurements) | 52 or 45 inches |
- (d) *Apple Box*—2,174 cubic inches.
- | | |
|--------|------------|
| Length | 18 inches |
| Width | 11½ inches |
| Depth | 10½ inches |
- (e) *Apple Half-box*—931½ cubic inches.
- | | |
|--------|------------|
| Length | 18 inches |
| Width | 11½ inches |
| Depth | 4½ inches |
- (f) *Apple Crate*—2,431 cubic inches.
- | | |
|--------------------------------------|------------|
| Length | 17 inches |
| Width | 13 inches |
| Depth of ends | 11 inches |
| Depth of sides (9½" piece set up ¾") | 10¼ inches |
- (g) *Apple Half-crate*—1,233 cubic inches.
- | | |
|--------------------------------------|------------|
| Length | 13 inches |
| Width | 11½ inches |
| Depth of ends | 8¼ inches |
| Depth of sides (6¾" piece set up ¾") | 7½ inches |
- (2) (a) *Pear, Green Tomato and Crabapple Box*—1,759½ cubic inches.
- | | |
|--------|------------|
| Length | 18 inches |
| Width | 11½ inches |
| Depth | 8½ inches |
- (b) *Pear Half-box*—983 cubic inches.
- | | |
|--------|------------|
| Length | 18 inches |
| Width | 11½ inches |
| Depth | 4¾ inches |
- (3) *Peach Boxes* shall be one or other of the following dimensions:—
- | |
|--|
| Length 16⅞ in., width 13¾ in., depth 5¾ in. |
| Length 16⅞ in., width 11½ in., depth 4, 4¼, 4½, 4¾, or 5 in. |
- (4) *Apricot, Plum and Prune Boxes* shall be one or other of the following dimensions:
- | |
|---|
| *Length 18 in., width 11½ in., depth 3¼ in. |
| Length 16⅞ in., width 13¾ in., depth 5¾ in. |
| Length 16⅞ in., width 11½ in., depth 4½ in. |
| †Length 16⅞ in., width 10 in., depth 3¾ in. |
| ‡Length 16⅞ in., width 9½ in., depth 4⅞ in. |
- *May be used for apples, single layer.
†Half-inch cleat must be used.
‡May be used for crabapples.

- (5) *Cherry Boxes and Lugs* shall be one or other of the following dimensions:

Length $16\frac{1}{8}$ in., width $13\frac{3}{4}$ in., depth $4\frac{3}{4}$ in.

Length $16\frac{1}{8}$ in., width $9\frac{1}{2}$ in., depth $4\frac{1}{8}$ in.

*Length 15 in., width $10\frac{3}{4}$ in., depth $3\frac{1}{8}$ in.

Length 13 in., width 6 in., depth 3 in.

*Quarter-inch cleat must be used.

- (6) *Hothouse or Field Tomato Packages* shall be one or other of the following dimensions:—

Length $16\frac{1}{8}$ in., width $13\frac{3}{4}$ in., depth $5\frac{3}{4}$ in.

Length $15\frac{3}{4}$ in., width $15\frac{3}{4}$ in., depth $4\frac{1}{4}$, $4\frac{1}{2}$ or $4\frac{3}{4}$ in.

- (7) *Cucumber Boxes* shall be one or other of the following dimensions:—

- (i) *Field Cucumbers*—

Length $16\frac{1}{8}$ in., width $11\frac{1}{2}$ in., depth 4, $4\frac{1}{4}$, $4\frac{1}{2}$, $4\frac{3}{4}$ or 5 in.

- (ii) *Hothouse Cucumbers*—

White Spine Type—Length 17 in., width $15\frac{3}{4}$ in., depth $5\frac{1}{4}$ in.

Rochfort or Long Type—Length 18 in., width $11\frac{1}{2}$ in., depth $4\frac{1}{2}$ in.,

OR Length 23 in., width 9 in., depth $6\frac{3}{4}$ in.

- (8) *Cantaloupe Crates* shall be one or other of the following dimensions:—

Length 21 in., width 12 in., depth $11\frac{1}{2}$ in.

Length 21 in., width 12 in., depth $4\frac{1}{4}$ in.

Length 21 in., width 12 in., depth 4 in.

Length 21 in., width 13 in., depth 13 in.

Length 18 in., width $15\frac{1}{4}$ in., depth 12 in.

- (9) (a) *Berry Boxes*—67·2 cubic inches.

Round corners: Inside top band to be $19\frac{5}{8}$ x $\frac{1}{2}$ x $\frac{1}{30}$; bottom, $4\frac{3}{8}$ x $4\frac{3}{8}$; depth inside $2\frac{15}{16}$; thickness of veneer $\frac{1}{24}$ inch, minimum.

Square corners: Inside top band to be 20 x $\frac{1}{2}$ x $\frac{1}{30}$; bottom $4\frac{3}{8}$ x $4\frac{3}{8}$; depth inside 3; thickness of veneer $\frac{1}{24}$ inch, minimum.

- (b) *Berry Boxes*—33·6 cubic inches.

Round corners: Inside top band to be $15\frac{5}{8}$ x $\frac{7}{16}$ x $\frac{1}{30}$; bottom $3\frac{1}{2}$ x $3\frac{1}{2}$; depth inside $2\frac{5}{16}$; thickness of veneer $\frac{1}{26}$ inch, minimum.

Square corners: Inside top band to be 16 x $\frac{7}{16}$ x $\frac{1}{30}$; bottom $3\frac{1}{2}$ x $3\frac{1}{2}$; depth inside, $2\frac{6}{16}$; thickness of veneer $\frac{1}{26}$ inch, minimum.

- (c) *Shallow Hallock*—67·2 cubic inches.

Top 5 by 5; depth inside $2\frac{11}{16}$; depth outside $3\frac{1}{2}$; thickness of veneer $\frac{1}{20}$.

- (d) *Shallow Hallock*—33·6 cubic inches.

Top 5 by 5; depth inside $1\frac{6}{16}$; depth outside $1\frac{7}{8}$; thickness of veneer $\frac{1}{20}$.

- (e) *Shallow Hallock*—33·6 cubic inches.

Top $5\frac{1}{4}$ by $5\frac{1}{4}$; depth inside $1\frac{7}{32}$; depth outside $1\frac{3}{4}$; thickness of veneer $\frac{1}{20}$.

- (f) *Deep Hallock*—33·6 cubic inches.

Top $4\frac{3}{8}$ x $4\frac{3}{8}$; depth inside $1\frac{12}{16}$; depth outside $2\frac{1}{2}$; thickness of veneer $\frac{1}{20}$.

- (g) *Berry Crates* shall be one or other of the following:—

12 pints (1 tier)

12 quarts (1 tier)

24 pints (2 or 3 tiers)

24 quarts (2 or 3 tiers)

27 quarts (3 tiers)

32 pints (4 tiers)

32 quarts (4 tiers)

36 pints (3 tiers)
36 quarts (3 tiers)

(10) *4-basket Crate.*

Basket $7\frac{1}{2}$ by $7\frac{1}{2}$ inches (at the top) by $6\frac{1}{2}$ by $6\frac{1}{2}$ inches (at the bottom), $3\frac{3}{4}$ inches deep (measured perpendicularly). Tin tops $7\frac{1}{2}$ by $7\frac{1}{2}$ inches (at the top), $6\frac{1}{2}$ by $6\frac{1}{2}$ inches (at the bottom), and $3\frac{3}{4}$ inches deep (measured perpendicularly). Crates are $15\frac{3}{4}$ inches by $15\frac{3}{4}$ inches by $4\frac{1}{4}$ or $4\frac{1}{2}$, or $4\frac{3}{4}$ inches.

(11). (a) *Bushel Hamper*—2,181 cubic inches.

Dimensions:—

Diameter at top 17 inches.

Diameter at bottom $14\frac{3}{4}$ inches.

Depth 11 inches (Solid or raised veneer bottom type).

Depth, inside wall $11\frac{1}{4}$ inches. (Continuous stave type).

(b) *Bushel Hamper*—"export" Type—*Straight Stave.*

Dimensions:—

Diameter at top 17 inches.

Diameter at bottom 14 inches.

Depth $11\frac{1}{4}$ inches.

(c) *Half-Bushel Hamper*—*Straight Side* (Continuous Stave or Solid Bottoms).

Dimensions:—

Diameter inside at top $13\frac{1}{2}$ inches.

Depth inside to top of hoop 9 inches.

Diameter at bottom $11\frac{1}{2}$ inches.

(12) *Wood Veneer Baskets* shall be of the following dimensions and specifications:—

(a) *2-Quart*—Bottom $9\frac{7}{8}$ inches in length and $3\frac{5}{8}$ inches in width and $\frac{3}{8}$ inch in thickness, minimum, with a corner radius to provide for a straight side measurement at the end of $1\frac{7}{8}$ inches and at the side 8 inches. Basket to be constructed over a form measuring $10\frac{3}{4}$ inches in length and $4\frac{1}{4}$ inches in width at top and of such depth, including brads, as shall ensure a basket of $3\frac{1}{2}$ inches deep perpendicularly. Veneer to measure 20 to the inch, minimum.

Handles $15\frac{3}{4}$ inches in length, maximum, measuring 16 to the inch, minimum, and $\frac{3}{4}$ inch in width, minimum.

(b) *6-Quart*—Bottom $13\frac{3}{4}$ inches in length and $5\frac{7}{8}$ inches in width and $\frac{3}{8}$ inch in thickness minimum, with a uniform corner radius to provide for a straight line measurement at the end of 2 inches minimum, and at the side $9\frac{7}{8}$ inches, minimum; the basket to be constructed over a form measuring $14\frac{1}{2}$ inches in length and $6\frac{5}{8}$ inches in width at top, with a corner radius of $1\frac{3}{4}$ inches and of such depth including brads, as shall ensure a basket $4\frac{1}{2}$ inches deep perpendicularly. Veneer to measure 16 to the inch, minimum, but may be 20 to the inch minimum where made from hard maple, beech or birch.

Handles to be $20\frac{1}{2}$ inches in length and not less than 1 inch nor more than $1\frac{1}{4}$ inches in width and measuring eight to the inch, minimum, in thickness.

Cover, length $15\frac{1}{2}$ inches, width $6\frac{7}{8}$ inches, sides measuring 2 inches wide when properly seasoned; veneer to measure 10 to the inch; when two thicknesses are used, 18 to the inch. Ends to measure 12 to the inch.

(c) *11-Quart*—Bottom $16\frac{5}{8}$ inches in length and $6\frac{5}{8}$ inches in width and $\frac{3}{8}$ inch in thickness, minimum, with a uniform corner radius to provide for a straight line measurement at the end of 2 inches, minimum, and at the side 12 inches, minimum; the basket to be constructed over a form measuring $17\frac{5}{16}$ inches in length and $7\frac{5}{16}$ inches in width

- (b) When cabbage is packed in green open mesh bags the following shall be the standard bag dimensions, each to contain 50 pounds net:—
- (i) 22 x 36 inches for early cabbage,
 - (ii) 20 x 36 inches for late cabbage.
- (16) (a) *Head Lettuce Crates*.—Shall be one or other of the following dimensions:—
- Length 24½ in., width 18 in., depth 13 in.
 - *Length 21½ in., width 17½ in., depth 13 in.
 - * ½" or ¾" cleat may be used.
- (b) *Head Lettuce Flats*.—Shall be one or other of the following dimensions:—
- Length 28½ in., width 21 in., depth 5½ in.
 - Length 28½ in., width 11 in., depth 5½ in.
- (17) (a) When onions or turnips are packed in cotton, jute or mesh bags, the following shall be the standard net weights:—
- (i) *Onions*—5 pounds; 10 pounds; 25 pounds; 50 pounds; 75 pounds and 100 pounds.
 - (ii) *Turnips*—25 pounds; 50 pounds and 100 pounds.
- (b) When potatoes are packed in bags, the following shall be the standard net weights:—
- (i) *Cotton, Jute or Mesh Bags*—15 pounds; 25 pounds; 50 pounds; 75 pounds and 100 pounds.
 - (ii) *Paper Bags (Pre-packaged)*—5 pounds; 10 pounds; 15 pounds; 25 pounds and 50 pounds.
- (c) When potatoes are packed in jute bags, the standard bag dimensions shall be as follows:—
- 50 pound bag, 18 x 30 inches.
 - 75 pound bag, 19½ by 36 inches.
 - 100 pound bag, 21½ x. 40 inches.
 - 100 pound bag, B.C., 22 x 36 inches.
- (18) *Table and Certified Seed Potato Octagonal Crate*:—
- (a) End width 14½ inches, end depth 14½ inches, outside length 28½ inches; ends and centre partition ¾ inch thick.
- (19) *Cranberry boxes*.—Shall be one or other of the following dimensions:—
- (a) ⅛ barrel box—730.4 cubic inches: length 11⅞ in., width 8⅜ in., depth 7 11/32 in.
 - (b) ¼ barrel box—1,456.9 cubic inches: length 15 in., width 10½ in., depth 9¼ in.

E. MARKINGS

1. (1) Every person who packs, ships, transports, sells, offers for sale or has in possession for sale any fruit or vegetable in a closed package shall mark the package with his initials and full surname and address (or in the case of a firm or corporation, with the firm or corporate name and address), a proper designation of the grade of the fruit or vegetable as named and defined in the regulations respecting grades.

(2) Such marks shall include, if the produce be—

- (i) apples and pears, the name of the variety excepting pears in wood veneer baskets;
- (ii) peaches other than Yellow freestone type, the words "Yellow Cling," or "White Flesh," as the case may be;
- (iii) cantaloupes, other than salmon flesh type, the words "Green flesh";
- (iv) potatoes, in bags or crates, the words "table potatoes" and the net weight.
- (v) onions, turnips, carrots, beets and parsnips in bags, boxes or crates, the net weight of contents;

- (vi) beets, carrots, onions and parsnips, when the size is specified same to be marked on each package or tag;
- (vii) celery, the number of stalks, contained, with a variation allowed of 5 per cent by count;
- (viii) potatoes or turnips packed by any person or persons other than the person shown as the packer, shipper or dealer, a number or other mark on each package identifying the packer thereof and the loader or shipper shall include in each car a loading sheet giving the number of bags of each such number of mark.

(3) The grade of any vegetable shipped in bulk in carloads shall be included on the invoice, the bill of lading and the waybill.

(4) Spanish type onions grown in Canada from imported or certified seed may be so designated only by marking or otherwise employing the words "Spanish type onions, grown in Canada (or the province)."

2. (1) Every person who packs, ships, transports, sells, offers for sale or has in his possession for sale any fruit or vegetable in an open package shall mark the package with the initials of his Christian names and his full surname and address, or in the case of a firm or corporation, with the firm or corporate name and address.

(2) All marks required on closed packages as provided by these regulations shall also apply to open packages of apples, cantaloupes, tomatoes or celery.

3. The marks on all packages except wood veneer baskets containing apples marked No. 1 or Domestic shall include an indication of the minimum and maximum size of the apples unless the minimum size is $2\frac{1}{2}$ inches or larger when the marking may be $2\frac{1}{2}$ inches up, $2\frac{3}{4}$ inches up as the case may be.

4. (1) In addition to other marks required all closed packages (except the 4-basket crate and wood veneer basket) containing fruit (except tomatoes, apricots, unwrapped apples and plums) packed in tiers shall be marked with the number of specimens in each package.

(2) In addition to other marks required, all closed 4-basket crates containing apricots and plums packed in tiers shall be marked with the number of specimens on the top layer of the basket each way as follows: 4 by 4; 4 by 4 by 5; 5 by 5; or as the case may be. These packs shall not be more than three layers deep. In order to achieve uniformity in sizing, the pack may be broken once in each basket.

5. In addition to other marks required each closed package of field rhubarb shall be marked with the minimum net weight of 42 pounds, provided that closed 11-quart wood veneer baskets shall be marked with the minimum net weight of 12 pounds.

6. Any person dealing wholesale in fruit or vegetables who uses a number to designate his packers or shippers shall submit annually to the Department a register of such numbers in numerical sequence and shall immediately notify of any additions or transfers in such lists. All packages shall be marked with the name and address of the person dealing wholesale and the correct number allotted.

7. Any person using a label on produce packages may at any time be required to submit same to the Department for approval.

8. (1) Every manufacturer of standard barrels, half-barrels or bushel barrels shall cause each package to be marked on the side of the barrel with the words "manufactured by" and with the initials of his Christian names and the full surname and address.

(2) Each bundle of barrel hoops, heads or staves shall be marked to identify the manufacturer thereof.

9. Except in the province of British Columbia packages of apples held in storage for shipment out of Canada shall, until the apples are packed for such shipment, be marked to indicate the orchard in which the apples were grown

10. (1) All marks required by these regulations, other than as specified in clause 9, shall be—

- (a) indelible, plain, and of size reasonably in proportion to the size of the package, label or stencil;
- (b) placed on one end of boxes, crates, lugs or headed barrels;
- (c) placed on the lid, handle or one end of other packages;
- (d) in the case of bags, stencilled, printed, interwoven or on a suitable tag attached.

(2) Except that the grade designation shall be marked on the package itself, a label may be used in the case of wood veneer baskets with transparent covers if such label is placed directly under and is plainly legible through the cover.

11. Lithographed or printed labels may be used on boxes and if of durable material and varnished may be used on barrel heads.

F. EXPORTS AND IMPORTS

1. No common carrier shall receive for carriage or carry out of Canada and no person shall for trade purposes ship, consign or transport out of Canada any fruit or vegetables produced in Canada of kind as follows:—apples, apricots, asparagus, beets or carrots without tops, cabbage, cantaloupes, celery, cherries, grapes, head lettuce, onions without tops, parsnips, peaches, pears, plums, prunes, potatoes, rhubarb (field grown), rutabagas or tomatoes, or extracted honey produced in Canada, nor shall Collectors of Customs and Excise permit exportation thereof unless accompanied by evidence of Government inspection as follows:—

- (a) Export Inspection Certificate signed by an inspector of the Fruit and Vegetables Division, or
- (b) "Inspected" card issued for the purpose at the inspector's convenience, or
- (c) Notation upon the shipping bill and way bill of the number and date of the inspection certificate submitted or verified for the purpose to the billing agent by the inspector.

(2) Subject to the provisions of Clause 12 of the Inspection regulations, inspectors shall issue Export Inspection Certificates for such produce only as follows:—

- (a) Apples meeting the requirements of any of the grades herein established.
- (b) Pears meeting the requirements of any of the grades herein established other than No. 3 grade.
- (c) Potatoes meeting the requirements of Canada Fancy, Canada No. 1, Canada No. 1 Large or Canada No. 1 Small grade;
- (d) Other fruit, vegetable or honey meeting the requirements of the grades herein established.

2. No person shall for trade purposes import nor shall Collectors of Customs and Excise accept entry of fruit or vegetables of any kind named in Clause 1 hereof unless such entry is accompanied by a Government Inspection Certificate that at the place and time of direct shipment or movement to Canada the produce "meets Canadian import requirements," as follows:—

- (a) Apples shall not be below the requirements of Commercial or "C" grade.
- (b) Potatoes shall not be below the requirement of Canada No. 1 grade;
- (c) Other fruit and vegetables shall not be below the requirements of the lowest grade established for movement of such produce between provinces in Canada.

3. Importations from the United States of America may be considered in compliance with the foregoing if the accompanying Government Inspection Certificate is endorsed by the inspector "meets Canadian import requirements" as follows:—

- (a) Apples shall meet the requirements of one or other of the following grades, namely U.S. Fancy, U.S. No. 1 or U.S. Commercial, of 2¼ inch

minimum diameter or 234 box count size, and additionally the condition requirements of "Standards for Export" as defined by the United States Department of Agriculture.

- (b) Pears shall meet the requirements of one or other of the following grades, namely, U.S. Extra No. 1, U.S. No. 1, U.S. Combination or U.S. No. 2, with condition defects after storage or transit not exceeding 5 per cent, but not more than $\frac{3}{8}$ of this tolerance or 3 per cent shall be allowed for decay or internal breakdown;
- (c) Potatoes shall not be below the requirements of U.S. No. 1 grade, Size A, according to the Official Standards for Potatoes, U.S. Department of Agriculture, provided that until August 31 inclusive in each calendar year a minimum diameter of $1\frac{1}{8}$ inches is the only size requirement for new potatoes.
- (d) Other fruit and vegetables (named in Clause 1 hereof) shall meet the requirements of one of the grades established by the United States Department of Agriculture for the product.

4. Government inspection required by clauses 2 and 3 hereof may be obtained:—

- (a) where the shipment or movement originates; or
- (b) if not obtainable where the shipment or movement originates, at a point intermediate to the Canadian frontier port of entry; or
- (c) if not obtainable as provided in paragraphs (a) or (b) hereof, inspection under this Act may be obtained at the Canadian port of entry if an inspection point.

5. Excepting produce manifested upon the port of entry in Canada, Collectors of Customs and Excise shall accept entry only of produce (named in Clause 1 hereof) in packages officially stamped "Inspected for Export".

6. No produce shall be shipped out of or into Canada in packages so stained, soiled, warped or otherwise deteriorated as materially to affect its appearance or saleability.

7. Notwithstanding anything to the contrary in the package regulations contained, produce may be imported and sold in any package standardized by the country of origin for such kind of produce but not standardized under the Act provided such produce does not enter into competition with the same kind of produce of Canadian origin.

8. Packages containing original or repacked imported fruit or vegetables shall be marked to indicate the country of origin.

9. (1) Notwithstanding anything in these regulations and except as provided in sub-clauses (3) and (4), no person shall for trade purposes import nor shall Collectors of Customs and Excise accept entry of fresh fruit or vegetables of kinds grown in Canada unless such entry is accompanied by conclusive evidence that the importer purchased such goods not later than 24 hours, exclusive of Sundays and legal holidays, after time of shipment from the point of production.

(2) Not later than the second business day after shipment from the point of origin the importer shall furnish to the Collector written notice of the transaction together with a standard confirmation of sale, exchange of telegrams or other contract with the vendor as evidence of such purchase; the Collector shall time stamp such written notice and return one copy to the importer to be attached to the customs entry.

(3) Other than straight carlot shipments originating at any point intermediate to the point of production may be imported with no one product of a kind grown in Canada exceeding one-third by weight of the entire lot of fresh fruit and vegetables tendered for import; written notice of such shipments shall be furnished to the Collector at the time of purchase, as prescribed in sub-clause (2), or, in the case of movement by truck, by telegram from the person making the customs entry to the Collector at the border port of entry.

(4) A quantity not exceeding 2,000 pounds of products of kinds grown in Canada may be entered at Customs by or on behalf of one person in any one day, but not more than one entry under this sub-clause may be made in respect of any one vehicle in any one day.

10. (1) No person shall import extracted honey for trade purposes except in accordance with the following provisions:

(a) the quality of the honey shall not be below the minimum grade requirements established by the Honey Regulations;

(b) the containers shall be of one of the sizes specified in the Honey Regulations;

(c) the labels on the containers shall be plainly and indelibly marked with the word "Honey", the initials and full surname and address of the packer or first dealer, the net weight of the contents and the name of the country of origin preceded by the words "Product of" in block letters of not less than the following sizes:

(i) on containers of one pound or smaller, 3/32 of an inch in length;

(ii) on containers of more than one pound and not more than eight pounds, 1/8 of an inch in length;

(iii) on containers of more than eight pounds, 1/4 of an inch in length;

(d) the outer wrapper or enclosure of the container or lot of containers shall be plainly and indelibly marked with the word "Honey", the initials and full surname and address of the packer or first dealer, the number of containers in the wrapper or enclosure, the net weight of the honey wrapped or enclosed and the name of the country of origin preceded by the words "Product of" in block letters not less than 3/8 of an inch in length.

(2) No person shall for trade purposes import and no Collector of Customs and Excise shall accept entry of any extracted honey unless such entry is accompanied by an affidavit in duplicate, taken before a Justice of the Peace or other person duly authorized in the country of origin to attest such affidavit, in the following form:

Place

Date

To the Collector of Customs and Excise,
Dominion of Canada,

I (or We) hereby declare (a) that the honey described herein is pure honey as defined by Regulation under the Food and Drugs Act of the Dominion of Canada; (b) that the honey is at time of shipment sound, wholesome and fit for human food; (c) that the honey was packed under the sanitary conditions provided for in the Honey Regulations; (d) that the quality of the honey is at least equal to the minimum grade requirements established by the Honey Regulations; (e) that the honey is packed in containers of sizes standardized in the Honey Regulations; (f) that containers and packages are marked in accordance with paragraphs (c) and (d) of sub-clause (1) of clause 10 of the Exports and Imports Regulations; (g) that the shipment is truly and correctly described as follows:

Name and address of packer or first dealer

Name and address of shipper

Name and address of consignee

Number of packages..... Net weight of each

No. and kind (paper, metal, glass) of containers in each package
.....Net weight of each container.....

Grade marks (if any)

Inspection Certificate No.
 Identification marks

Signature of shipper

Sworn before me this day of 19....

(Signature of Commissioner or
Justice of the Peace)

(3) Nothing in the provisions of sub-clause (1) or (2) of this clause shall preclude the use of grade marks authorized by legislation of the country of origin if the shipments so marked are accompanied by an Inspection Certificate issued by a duly authorized inspector in the country of origin certifying that the honey meets the requirements of the grade marked.

(4) No person shall repack any imported honey except in accordance with the following provisions;

- (a) imported honey shall be repacked in containers of one of the sizes specified in the Honey Regulations;
- (b) proofs of all container labels intended for use on repacked imported honey shall be submitted in duplicate to the Department for approval;
- (c) when imported honey is blended with Canadian honey the blended product shall be classified, graded and marked in accordance with the Honey Regulations and the containers and packages shall be further marked: "BLEND OF IMPORTED AND CANADIAN HONEY";
- (d) when imported honey is repacked, unblended with Canadian honey, the product shall be marked on containers and packages with the word "Honey", the initials and full surname and address of the packer, or the initials and full surname and address of the first dealer and the packer's allotted number, the net weight of the contents and the name of the country of origin preceded by the words "Product of";
- (e) the marks specified in paragraphs (c) and (d) hereof shall be in block letters of not less than the minimum sizes set forth in sub-clause (6) of clause 5 and sub-clause (4) of clause 6 respectively, of the Honey Regulations.

11. These regulations shall not apply to gift shipments of five packages or less, or experimental or exhibition shipments, or such other shipments as may be authorized by the Minister.

G. GENERAL

1. (1) An inspector detaining under Section 21 of the Act any lot of produce or produce packages may at any time and at any place attach thereto a numbered detention tag and no person shall sell or offer for sale, move, allow or cause to be removed any such produce or produce packages or remove such detention tag without the written authority of an inspector.

(2) Every person contravening any of the provisions of this clause shall be liable upon summary conviction (under Part XV of the Criminal Code) to a fine not exceeding \$200 and not less than \$50; and in default of payment of the fine to imprisonment for a term not exceeding one month unless the fine is sooner paid.

2. (1) Within twenty-four hours after placing any produce or produce packages under detention the inspector shall deliver or mail to the packer, shipper, owner or person in possession of same, a duly completed form of Detention Notice.

(2) When the inspector is fully satisfied that any such produce or produce packages have been brought into compliance with the provisions of the Act and regulations thereunder, he may release same by issuing a duly completed Detention Release Form.

(3) The Detention and Release Forms shall be issued in quadruplicate, the original and one copy for Departmental purposes, one copy for the responsible party and one copy for the inspector.

3. The grade and correct designation of weight, measure or package of the produce shall be specified in all advertising.

4. No railway or vessel or other person in possession of or handling produce to or from any railway car or vessel at any point intermediate to the final destination of the produce shall fail to handle the produce with due care and adequate protection from freezing cold or other condition likely to damage the produce, and it shall not be considered sufficient reason for permitting exposure that a train or a vessel or the produce would have been delayed. It shall be deemed careless handling—

- (a) to delay, in any way, or for any reason, the movement of produce to or from the railway car or vessel, or the securing against freezing cold or other condition after such movement, when such delay might or does result in damage;
- (b) to move produce to or from the railway car or vessel during weather or other condition likely to cause damage to the produce despite all precautions possible to be taken;
- (c) for any railway or vessel or other person to proceed against the recommendation of an inspector that the produce should not be exposed or continue to be exposed.

5. No person shall for fresh purposes, pack, transport, ship, sell, offer for sale or have in possession for sale any produce for which grades are not provided in the regulations contained, which is immature or so diseased or otherwise affected as to be unfit for human consumption.

6. (1) In destination inspections "condition defects" (see sub-clause (23), Interpretation Regulations) shall not apply against the grade of any lot of produce except that packed apples, pears and vegetables for shipment out of Canada from storage shall not be allowed more than 5 per cent combined condition defects.

(2) Condition defects of any lot of apples, pears, plums or cherries shall not apply against the grade at shipping point—

- (i) if properly packed and held in storage long enough for the nature and extent of such condition defects to have developed;
- (ii) provided that the average percentage of each such defect is stated on the Confirmation of Sale or other contract, and prior to shipment such document is submitted to the inspector for verification.

7. Vegetables other than those commonly known as green vegetables shall be sold at retail by weight or by the standard package as prescribed in the Package Regulations, or may be sold by the grower thereof by legal measures of the bushel, peck or gallon if properly filled.

8. On and after September 1, 1946, no person shall use any reddish or orange coloured covering for heaped baskets of peaches, nor for other packages of peaches except in the patent cover for wood veneer baskets as specified in sub-clause (12) of clause 8 of the Packages Regulations.

H. LICENSING

Licenses

1. (1) Every person required by the Act to be licensed shall make application therefor on a form to be obtained from an Inspector or the Department.

(2) Such application shall be for a licence as a dealer or a broker; except that the Department may issue a licence as a Broker and Dealer to any person under circumstances and limitations satisfactory to the Department.

(3) Any application for licence or renewal of licence as a broker shall be accepted only after satisfactory evidence that the principal or any partner, share-

holder, agent or responsible employee of the applicant is not connected as an agent, employee, partner or shareholder of a person to whom the applicant sells or might sell or negotiate sales of produce.

(4) Any application for licence or renewal of licence as a dealer shall be accepted only after satisfactory evidence that the principal or any partner, shareholder, agent or responsible employee is not connected as agent, employee, partner or shareholder of a broker through whom the applicant purchases or might purchase produce.

2. Every person who maintains one or more branches shall obtain a separate licence for each branch.

3. Licences issued under these regulations shall be in such form as the Minister may from time to time prescribe, and shall, if not suspended or revoked, remain valid and effective until the 31st day of March following the date of issue.

(2) Any violation of Clause 9 hereof by a licensee between the date of expiration and renewal of his licence shall be regarded as an offence under the Act.

4. The annual licence fee shall be \$25 for interprovincial and foreign trade and \$12.50 for export trade only.

5. Each application for a licence shall be accompanied by a licence fee in the form of a money order, bank draft or certified cheque payable to the Receiver General of Canada.

6. Every licensee shall advise the Department promptly of any change in the principals, ownership, control or name of the business.

7. Any licence shall be subject to suspension for a period not exceeding 90 days or to revocation for any offence prescribed in Clause 9 hereof.

8. Notwithstanding anything contained in Clause 7 hereof any licence shall be subject to automatic suspension as provided in Clause 13 (12) hereunder.

Offences

9. It shall be an offence and cause will be deemed to have been given for suspension or revocation whenever—

- (a) any licensed dealer rejects or fails to deliver in accordance with the terms of a contract of purchase or sale, without reasonable cause, any produce bought or sold or contracted to be bought, sold or consigned;
- (b) any licensee fails or refuses truly and correctly to account promptly in respect of any transaction in produce to the person with whom such transaction is had;
- (c) any licensee fails to comply with an award of the Board of Arbitration;
- (d) any licensee fails to meet in full the terms of arrangement or compromise with creditors under the provisions of any statute of Canada or province thereof or otherwise;
- (e) any licensed broker fails promptly to issue a completed confirmation of sale on the form approved by the Department;
- (f) any licensee makes any fraudulent charge in respect of any produce received;
- (g) any licensee discards or destroys, without reasonable cause, any produce received on consignment;
- (h) any licensee reships or transfers on consignment any consigned produce or obtains a commission thereon without prior consent of the shipper given after full and clear disclosure by the licensee to the shipper of all material circumstances, and the onus of establishing such disclosure and the consent of the shipper shall be upon the licensee;
- (i) any licensee fails to give impartial distribution of any produce to or among any persons, or, without justification, discriminates in price, adjustments, facilities for purchase, supply or otherwise to the detriment of the owner thereof;

- (j) any licensee after receiving from the department notice so to do fails to pay to a complainant within five days any undisputed portion of an amount claimed to be owing such complainant;
- (k) any licensee makes any false or misleading statement, or omits any important fact in connection with any transaction;
- (l) any licensee, after having been given 30 days notice of objection, continues to employ in any responsible capacity any person whose licence stands suspended or revoked or who was responsibly connected with any firm, partnership or corporation whose licence stands suspended or revoked within one year prior to the date of such notice;
- (m) any licensee fails to keep intact in an official language of Canada, such accounts, records and memoranda as fully and correctly disclose all transactions in his business, including the true ownership of such business by stockholding or otherwise, for a period of two years;
- (n) any licensee fails or refuses to permit upon demand during business hours any duly authorized representative of the Minister to examine books, records and memoranda or the stock of produce on hand, involved in any investigation under these regulations;
- (o) any licensee receiving a shipment on consignment in a damaged or deteriorated condition fails to make application forthwith for inspection, and if the Department finds it practicable to provide such service, to forward a copy of the inspection certificate for such consigned shipment to the shipper thereof within twenty-four hours of receipt of such certificate or, if the Department finds it impracticable to provide such service to forward a copy of the notation accepted by the carrier. In event of failure to comply with this provision it shall, as against the licensee in the case of any complaint to the Department, be presumed *prima facie* that on the arrival of the consigned shipment it was not in a damaged or deteriorated condition;
- (p) any licensee carries on business other than as permitted by his licence;
- (q) any licensee is of substantially the same ownership as or is a branch of any licensee whose licence has been suspended or revoked;
- (r) any licensee contravenes any of the provisions of clause 9 of the Exports and Imports Regulations.

10. The act, omission or failure of any agent, officer or other person acting for or employed by any licensee, within the scope of his employment, shall in every case be deemed to be the act, omission, or failure of the licensee employing such agent, officer or other person.

Complaints

11. (1) Complaints that any licensee has committed any offence mentioned in Clause 9 may be made to the Department by any interested person including any inspector under the Act, provided, however, that if such complaint is to be made the basis of a claim for damages the complaint must be filed within six months of the date of the alleged offence.

(2) Such complaint shall briefly state the facts and the amount of damage or loss claimed, if any, and be supported by such evidence as may be available, including all original papers or true copies thereof, relating to the transaction under complaint, including shipping documents, letters, telegrams, invoices, manifests, inspection certificates or references thereto, account sales, confirmation of sale and any special contract or agreement.

(3) All contracts and standard confirmations of sale will be interpreted according to the "Standard Rules and Definitions of Trade Terms for the Fruit and Vegetable Industry". No meaning of such trade terms other than as defined may be alleged or entertained.

(4) All such complaints and answers to complaints shall be in duplicate and at the request of the Department in the form of a statutory declaration or

affidavit sworn to by the complainant or the respondent, as the case may be, or, in the case of an incorporated company, by a responsible official thereof. Originals or copies of all documents mentioned in sub-clause (2) hereof shall be attached as exhibits to each declaration or affidavit. No new evidence may be submitted by complainant or respondent after the award of the Board of Arbitration has been issued.

(5) In case a complaint is made by a non-resident of Canada the complainant shall be required, before any formal action is taken on his complaint, to furnish a bond acceptable to the Department in double the amount of the claim conditioned upon payment of costs of the Board of Arbitration, the amount of any counter-claim awarded by the said Board, and the respondent's costs if the complainant is unsuccessful; provided that the Department may waive the furnishing of a bond by a complainant resident of a country which under similar legislation permits a resident of Canada to file complaint without the furnishing of a bond.

12. (1) When the Department is of opinion that there are grounds for doing so, an investigation of any complaint may be made. Each party shall be given ample opportunity for presenting his side of the case.

(2) The person conducting the investigation shall have power to call for any books, papers or documents in the possession or control of either or both of the said parties and pertinent records of any broker or of any railway or other carrier or any storage warehouse, and to examine and investigate same.

Arbitration

13. (1) There shall be a Board of Arbitration at Ottawa, to which all complaints of any offence under Clause 9, hereof, may be referred by the Department.

(2) Such Board shall be composed of the Chief, Marketing and Merchandising Service of the Department, one representative each of the producing-shipping interests and the buying-distributing interests, the two latter members to be nominees of their respective Dominion-wide associations.

(3) The Chief, Marketing and Merchandising Service, shall be Chairman of the Board, and in his absence the Department may appoint an Acting Chairman.

(4) The Board shall meet at the call of the Chairman or Acting Chairman.

(5) The Board shall appoint a secretary who may or may not be a member thereof, and who shall keep accurate minutes of all meetings and decisions of the Board.

(6) The Department may, before referring any complaint to the Board, require the complainant to deposit a certified cheque for a specified amount and payable as designated, to be used without recourse to defray the actual expenses of the Board in connection with such complaint, any surplus over such expense to be returned to the complainant.

(7) In addition to documentary evidence furnished the Board by the Department, the Board may, at its discretion, invite witnesses to testify at the hearing.

(8) The Chairman and Acting Chairman of the Board of Arbitration shall have the powers of a Commissioner under the Inquiries Act and shall administer the oath to all persons testifying before the Board.

(9) The award of the Board shall be presented to the Department.

(10) Upon receipt of such award the complainant shall immediately advise the Department of its acceptance or rejection thereof.

(11) Upon receipt of such award the respondent shall—

(a) forward to the Department a statement from the complainant that the award has been satisfied; or

(b) forward to the Department the amount of the award by certified cheque, money order or bank draft in favour of the complainant, which

shall be forwarded to the complainant upon advice from him of acceptance of the award in full satisfaction of the claim; or

- (c) if dissatisfied with the award of the Board of Arbitration, request the Department to refer the award to the Board of Review. Such request shall be accompanied by a certified cheque, money order or bank draft payable to the complainant for the full amount of the award and another such cheque, money order or bank draft for \$50.00 payable to the Receiver General of Canada, being a fee for convening the Board of Review and defraying any costs thereof. The respondent shall be entitled to appear in person before the Board of Review and present his reasons why he believes the award of the Board of Arbitration to be in error. If such award is reversed by the Board of Review, the respondent's cheque, money order or bank draft together with the \$50.00 fee shall be returned to him. If the award is confirmed, it shall be forwarded to the complainant.

(12) Upon failure of the respondent to take action as prescribed in Clause (11) above, his licence shall be automatically suspended at the end of 30 days from the date of mailing of the award of the Board.

- (13) (a) There shall be a Board of Review at Ottawa to which any award of the Board of Arbitration may be referred for review by a respondent as provided in paragraph (c) of sub-clause (11) hereof;
- (b) Such Board of Review shall meet at the call of the Chairman and shall be composed of the Board of Arbitration or a quorum thereof together with the Director or Associate Director of Marketing Service as Chairman and the Departmental Solicitor.

General

14. A bond satisfactory to the Minister and for such amount as may be prescribed by him and conditioned upon payment of any award of the Board of Arbitration which may be given within the ensuing two years may be required of any licensee, person, firm, partnership or corporation, hereinafter referred to as the applicant, applying for a licence or for renewal or reinstatement thereof,

(1) if such applicant, or any person connected in any responsible capacity with him or it, was a licensee, owner, partner, shareholder, officer of, employee in a responsible capacity of any licensee, or

(2) if such applicant or any person connected in any responsible capacity with him or it, is the parent, husband, wife, brother, sister or child of any person who was a licensee, owner, partner, shareholder, officer or employee in a responsible capacity or any other licensee, who, or which since the first day of January, 1946,

- (a) has been convicted of any offence under Clause 9 of these regulations, or
- (b) has failed to pay any award of the Board of Arbitration, or
- (c) has suffered suspension or revocation of licence, or
- (d) has made an authorized assignment, or
- (e) has entered into any arrangement or compromise with creditors under the provisions of any Statute of Canada or provision thereof or otherwise.

15. (1) Upon suspension or revocation of licence the Department shall cause appropriate publication of the facts in order that those doing business with the person whose licence has been suspended or revoked may take due notice thereof.

(2) The Department may cause publication of awards of the Board of Arbitration or rulings arising therefrom as may be deemed to be of general interest.

(3) The Department may cause publication of the facts of any complaint whether or not disciplinary action is taken or damages awarded.

16. Notwithstanding anything contained in Clauses 11 and 12 hereof the Department may at any time investigate the interprovincial and foreign dealings of any person required to be licensed under the Act.

17. Failure to use the "Standard Rules and Definitions of Trade Terms for the Fruit and Vegetable Industry" in completing Standard Confirmations of Sale or other contracts may prejudice any complaint.

18. Repeated violations of any provision of the Act or these Regulations or convictions or judgments in any court of competent jurisdiction of any licensee over a period of two years may be considered cause for suspension or revocation of licence.

19. Any inspection certificate or other evidence of inspection may be withheld when the applicant for inspection is required to be but is not licensed as required under the provisions of Sections 10, 11 or 12 of the Act.

I. HONEY

Classes for Honey

1. (1) The following shall be the classes for honey for shipment out of Canada:

- (a) Extra White—When in liquid form the honey shall be no darker in colour than that colour designated as Extra White on the Dominion Honey Classifier.
- (b) White—When in liquid form the honey shall be no darker in colour than that colour designated as White on the Dominion Honey Classifier.
- (c) Golden—When in liquid form the honey shall be no darker in colour than that colour designated as Golden on the Dominion Honey Classifier.
- (d) Light Amber—When in liquid form the honey shall be no darker in colour than that colour designated as Light Amber on the Dominion Honey Classifier.
- (e) Dark Amber—When in liquid form the honey shall be no darker in colour than that colour designated as Dark Amber on the Dominion Honey Classifier.
- (f) Dark—When in liquid form the honey shall be darker in colour than that colour designated as Dark Amber on the Dominion Honey Classifier.
- (g) Unclassified—Shall only include honey in retail or consumer containers and not marked with a specific colour classification.

(2) The following shall be the classes for honey other than for shipment out of Canada:

- (a) White—When in liquid form the honey shall be no darker in colour than that colour designated as White on the Dominion Honey Classifier.
- (b) Golden—When in liquid form the honey shall be no darker in colour than that colour designated as Golden on the Dominion Honey Classifier.
- (c) Amber—When in liquid form the honey shall be no darker in colour than that colour designated as Amber (Light Amber) on the Dominion Honey Classifier.
- (d) Dark—When in liquid form the honey shall be darker in colour than that colour designated as Amber (Light Amber) on the Dominion Honey Classifier.

Grades for Honey

2. (1) The grades for honey are No. 1 Grade, No. 2 Grade and No. 3 Grade.

(2) To qualify for No. 1 Grade, honey shall be

- (a) free from damage;
- (b) free of foreign material;

- (c) of moisture content not exceeding 17.8 per cent, or with a minimum specific gravity reading of 1.4184 at 68 degrees Fahrenheit referred to water at the same temperature, in the domestic classes of "White", "Golden", "Amber" and "Dark" and in the export classes of "Extra White", "White" and "Golden", and
- (d) of moisture content not exceeding 18.6 per cent, or with a minimum specific gravity reading of 1.4129 at 68 degrees Fahrenheit referred to water at the same temperature, in the export classes of "Light Amber", "Dark Amber" and "Dark".

(3) To qualify for No. 2 Grade honey shall be

- (a) free from serious damage;
- (b) fairly free of foreign material;
- (c) of moisture content not exceeding 18.6 per cent, or with a minimum specific gravity reading of 1.4129 at 68 degrees Fahrenheit referred to water at the same temperature.

(4) To qualify for No. 3 Grade honey shall be

- (a) free from serious damage;
- (b) fairly free of foreign material;
- (c) of moisture content not exceeding 20 per cent, or with a minimum specific gravity reading of 1.4033 at 68 degrees Fahrenheit referred to water at the same temperature.

(5) Honey otherwise meeting the requirements of the grades established by this clause may be of moisture content not exceeding 20 per cent if pasteurized in an establishment registered with the Department and marked as required in these regulations.

(6) When honey is granulated it may, at the option of the packer, be further described as being of "Fine", "Medium" or "Coarse" texture, but no honey shall be offered for sale or sold so marked until it is granulated.

(7) In order to allow for variations incident to proper classification, grading and packing, not more than 10 per cent by count of containers in any tank lot graded as No. 1 or No. 2 shall contain honey that differs from the class or grade as marked on the containers, but no tolerance shall be allowed for any honey that is below the next lower class or grade. No tolerance shall be allowed for serious damage in honey graded as No. 2 or No. 3.

(8) For the purposes of this clause

- (a) "damage" means injury caused by turbidity, overheating or any objectionable flavour or aroma from floral source, honeydew, smoke taint or other flavour or aroma foreign to honey and in the case of granulated honey, foam in excess of minor frosting shall be considered damage;
- (b) "fairly free" in respect of foreign material means that the honey or its surface is as clear as if strained at temperature of not more than 130° F. through a standard bolting cloth of 23 meshes to the inch;
- (c) "free" in respect of foreign material means that the honey or its surface is as clear as if strained at temperature of not more than 130° F. through a standard bolting cloth of 86 meshes to the inch;
- (d) "pasteurized honey" means honey which has been treated by the controlled application of heat to a point where all yeasts are destroyed, in a plant registered with and operating under the supervision of the Department;
- (e) "serious damage" means any injury, defect or deterioration seriously affecting the edibility, appearance or shipping quality of the honey;
- (f) "turbidity" means cloudiness caused by pollen grains, minute air bubbles, finely divided wax particles, or other substances that detract from the clearness of the honey.

NOTE: With reference to paragraphs (b) and (c) of sub-clause (8) of clause 2, honey which at ordinary extracting room temperature has been strained without pressure through a single thickness of ordinary fine cheesecloth and thereupon allowed to settle usually will be fairly free of foreign material and honey which has been strained in the same manner through a double thickness of ordinary fine cheesecloth and thereupon allowed to settle usually will be free of foreign material.

Marking of Tank Lots

3. (1) Every tank lot of honey shall be assigned a tank lot number by the packer, such tank lot numbers to run consecutively throughout the calendar year commencing with number 1.

(2) Every outer wrapper or enclosure of a container or lot of containers of honey shall be marked at the apiary or packing plant at time of packing with the number of the tank lot from which it was filled, and also the final figure in the number of the year in which it was packed (thus 1/7 or 1/7—the upper or first number 1 indicating the tank lot and the lower or latter number 7 indicating the year 1947 in which the honey was packed) and where a single package is only partially filled from one tank lot and the filling completed from another tank lot, both tank lot numbers shall be so marked.

Identification of Packer on First Dealer Label

4. Where honey is packed under a first dealer's label, a number may be used to identify the packer if the names and address of all packers and corresponding numbers allotted are filed annually with the Department by the first dealer; such number shall appear in brackets immediately following the first dealer's name and address, on all containers, wrappers and enclosures, as follows:

John Doe Co. Ltd.,
Winnipeg, Manitoba
(62)

Package Marks

5. (1) Every person who packs, transports, ships, advertises, displays, sells, offers for sale or has in possession for sale any honey shall mark each wrapper or enclosure of one or more containers of honey in accordance with this clause.

(2) Each wrapper or enclosure shall be marked with

- (a) the words "Canada" or "Canadian" and "Honey";
- (b) the class and grade;
- (c) the name and address of the packer, or the name and address of the first dealer together with the packer's allotted number;
- (d) the number and size of containers enclosed;
- (e) the net weight of honey contained in the wrapper or enclosure;
- (f) the words "Liquid Honey" or "Liquid" if the honey has been treated to preserve its original liquid form;
- (g) the word "Pasteurized" in conjunction with and in letters of the same size and visibility as those indicating the class and grade, if the honey was pasteurized in an establishment registered with the Department;
- (h) the tank lot number;
- (i) the registration number identifying the shipper.

(3) The address shall include the name of the province.

(4) In the case of an individual the name shall consist of the initials and full surname and in the case of a firm or corporation the name shall consist of the firm or corporate name.

(5) Where a packer or a first dealer packs or sells under a registered trade name, the trade name may be used in lieu of name and address.

(6) All marks shall be in distinctly legible block letters of a size not less than $\frac{3}{8}$ of an inch in length and, except in the case of barrels and half barrels, shall be confined to one side and one end of the wrapper or enclosure; the side and end of the wrapper or enclosure bearing the marks shall bear no additional marks other than those placed thereon by an inspector.

Container Marks

6. (1) This clause does not apply in respect of shipments out of Canada.

(2) Every person who packs, transports, ships, advertises, displays, sells, offers for sale or has in possession for sale any honey shall mark the label of each container in accordance with this clause.

(3) Unless otherwise provided in this clause, all marks shall appear on the main panel of the label together with any vignette, brand name or trade mark in distinct legible block letters.

(4) Except in the case of glass containers the minimum size of letters shall be as follows:

(a) on containers of one pound or smaller $\frac{3}{32}$ of an inch in length;

(b) on containers of more than one pound and not more than eight pounds $\frac{1}{8}$ of an inch in length; and

(c) on containers of more than eight pounds $\frac{1}{4}$ of an inch in length.

(5) Glass containers shall be marked with

(a) the word "Honey";

(b) the class and grade;

(c) the words "Liquid Honey" or "Liquid" if the honey has been treated to preserve its original liquid form;

(d) the word "Pasteurized" in conjunction with and in letters of the same size and visibility as those indicating the class and grade, if the honey was pasteurized in an establishment registered with the Department;

(e) the net weight;

(f) the name and address of the packer, or the name and address of the first dealer together with the packer's allotted number.

(6) The marks required by sub-clause (5) shall appear in clearly legible letters of size reasonably proportionate to the size and design of the label.

(7) All other containers shall be marked with

(a) the net weight;

(b) the name and address of the packer, or the name and address of the first dealer together with the packer's allotted number;

(c) the word "Honey";

(d) the class and grade;

(e) the words "Liquid Honey" or "Liquid" if the honey has been treated to preserve its original liquid form;

(f) the word "Pasteurized" in conjunction with and in letters of the same size and visibility as those indicating the class and grade, if the honey was pasteurized in an establishment registered with the Department;

(8) The marks required by paragraphs (a) and (b) of sub-clause seven may be placed elsewhere than on the main panel of the label but shall appear in clearly legible letters of a size reasonably proportionate to the size and design of the label.

(9) The marks required by paragraph (e) of sub-clause seven may be placed on the lid or cover of the container in letters not less than $\frac{1}{4}$ of an inch in length.

(10) The address shall include the name of the province.

(11) In the case of an individual the name shall consist of the initials and full surname and in the case of a firm or corporation the name shall consist of the firm or corporate name.

Approval of Labels

7. (1) With the exception of persons using manufacturers' stock design labels, all persons who pack honey shall submit to the Department two copies of all container labels intended to be used; no such label shall be used until approved and such persons shall produce approved labels for inspection when so required by an inspector.

(2) All manufacturers of stock design labels shall submit to the Department two copies of all stock design container labels intended for distribution to honey producers and packers; no such label shall be manufactured or distributed until approved and manufacturers shall produce approved stock design labels for inspection when so required by an inspector.

(3) Manufacturers' stock design labels may be approved *en bloc*, and in blank, for manufacturers, and persons using such labels shall properly complete them with such marks as are required by these regulations.

(4) No person shall use any approved stock design or other label on honey of other than Canadian origin without the written authority of the Department.

Texture—Granulated Honey

8. (1) In the case of granulated honey only, the words "Fine" or "Medium" or "Coarse" may be added after the class and grade designation on containers and packages, to indicate the texture of the honey (e.g. "GOLDEN NO. 1 COARSE").

(2) Where an indication of texture is made it shall be in letters of the same size as the class and grade marks.

Containers and Packages

9. (1) Honey shall be packed in clean, sound and strongly constructed containers approved by the Department and of one of the following sizes:

1½ ounce, 2 ounce, 8 ounce, 12 ounce, 1 pound, 2 pounds, 4 pounds, 8 pounds, 30 pounds, 40 pounds, 60 pounds, 70 pounds, net weight; or ½ barrels and barrels of unspecified sizes.

(2) Containers of honey shall be packed in clean, well constructed packages that are in good condition and not defaced by old markings.

(3) Containers of extracted honey shall be securely closed by means of screw caps, friction top lids, bungs, or otherwise as approved by the Department.

Registration

10. (1) Every person who ships honey in export or interprovincial trade shall apply to the Department for registration as a shipper; the registration fee is one dollar annually in advance.

(2) No fee for renewal of registration is required of any person shipping only honey of his own production if such person was registered in the year immediately preceding.

(3) Every person who proposes to pasteurize or to pack pasteurized honey shall apply for registration as an operator of a pasteurizing plant, which may be issued after an inspector has reported favourably upon the suitability of the equipment and premises for the purpose, and the prospective volume of the pack; the registration fee is five dollars annually in advance for a person who proposes to pasteurize only honey of his own production, and ten dollars for other persons.

(4) A person registered under sub-clause (3) is not required to pay a fee for registration under sub-clause (1).

(5) All registrations under this clause shall expire with and be renewable on June 30 of each year.

(6) Any registration under this clause may be suspended or revoked at any time for failure on the part of the registrant to comply with all requirements of the Act and regulations.

Pasteurizing Plants

11. Persons operating pasteurizing plants shall **keep an accurate record** of their packs which shall be available to the Department at all times, indicating:
- (a) the quantity, colour and grade of each tank lot of honey packed and the size and type of containers into which it was packed;
 - (b) the quantity of honey purchased and the persons from whom it was **purchased; and**
 - (c) the quantity of honey packed on a custom basis and the persons for **whom it was packed.**

Sanitary Conditions

12. The following sanitary conditions shall be observed and maintained in all premises where honey is extracted, packed, handled or stored in export or interprovincial trade, **namely,**

- (a) all buildings or rooms shall be maintained in a clean and sanitary condition;
- (b) all appliances, including extractors, pumps, tanks, uncapping machines, or other equipment used in the handling of honey from the apiary to the final containers shall be kept clean and sanitary;
- (c) all operations in connection with the preparation and packing of honey shall be carried on carefully and with strict cleanliness;
- (d) all persons engaged in the preparation, handling and packing of honey shall be free from any communicable disease and the covering used by them to protect their clothing or persons shall be of material easily cleaned and shall be kept reasonably clean;
- (e) no lavatory, sink, cesspool, or buildings in which animals are housed shall be so situated or maintained as to permit any odours or fumes therefrom to pervade any room or building in which honey is being extracted, packed, handled or stored;
- (f) all honey intended to be used for food found by an inspector in any apiary, packing plant or warehouse, to be in any way unfit for food purposes shall be placed under detention and held for disposal as the Minister may direct; and
- (g) all vehicles used for the transportation of honey shall be clean and sanitary to the satisfaction of the inspector.

Inspection

13. (1) Any person requiring honey to be inspected shall give notice to the resident inspector or, if there is no resident inspector, to the nearest inspector or the Department in sufficient time prior to date of shipment to allow for the taking of samples for determination of moisture and other grade requirements.

(2) The applicant for inspection shall arrange the honey to be inspected in separate tank lots in a suitable place, shall open and close all containers and packages as directed by the inspector and shall render such other assistance to the inspector as he may require.

14. (1) The inspector shall examine not less than 10 per cent by count of the packages in any tank lot and shall draw a sample from any package he may select upon which colour and moisture content will be determined for the entire tank lot.

(2) If there is any noticeable difference in colour or quality in any tank lot of honey the inspector may refuse to inspect such tank lot or he may examine every package in the tank lot dividing it into two or more lesser lots of similar colour and quality; in such cases the inspector shall impose a fee of five cents for each package in tank lots so divided, such fee to be collected in advance.

15. When a shipment of honey is submitted for inspection which does not bear the tank lot numbers as required by these regulations or when there is an irregularity in the tank lot numbers, the inspector may refuse to inspect the

shipment or he may examine each package in the shipment dividing it into lots of apparently similar colour and quality; from not less than 10 per cent of the packages in each lot thus established the inspector shall draw a composite sample upon which colour and moisture content will be determined for the entire lot; in such cases the inspector shall impose a fee of five cents for each package in the shipment, such fee to be collected in advance.

General

16. No person shall use for packing honey any container or package that has been previously marked without first completely obliterating such markings when they are inconsistent with the marks required by these regulations.

17. The class, grade and correct designation of weight of the honey shall be specified in all advertising if price is specified.

18. Every person contravening any of the provisions of these regulations shall be liable upon summary conviction to a fine not exceeding two hundred dollars and not less than ten dollars and in default of payment of the fine to imprisonment for a term not exceeding one month unless the fine is sooner paid.

THE LIVE STOCK AND LIVE STOCK PRODUCTS ACT

R.S.C. 1952, c. 167

AN ACT respecting Stockyards, Live Stock and Live Stock Products and Poultry Production.

Short Title

Short title.

1. This Act may be cited as the *Live Stock and Live Stock Products Act, 1939*, c. 47, s. 1.

Interpretation

Definitions.

2. In this Act,

"Department".

(a) "Department" means the Department of Agriculture;

"Grade".

(b) "grade" means the classification of any live stock or live stock product according to the prescribed standards;

"Inspector".

(c) "inspector" means any official appointed, or designated by the Minister, to perform, as such, certain specified duties under this Act;

"Minister".

(d) "Minister" means the Minister of Agriculture; and

"Standards".

(e) "standards" means those rules, tests, measures or specifications by which the quality or grade of a product is determined. 1939, c. 47, s. 2.

General

Application of Animal Contagious Diseases Act.

3. In every case where, in the opinion of a veterinary inspector or an inspector acting or duly appointed under the *Animal Contagious Diseases Act*, contagious disease of animals exists or is suspected to exist, the relevant provisions of the said *Animal Contagious Diseases Act* apply notwithstanding the provisions of this Act or of any other Act or law. 1939, c. 47, s. 3.

Inspectors and other officials.

4. There may be appointed from time to time in the manner authorized by law such inspectors and other officials as are necessary for the administration of this Act and the regulations. 1939, c. 47, s. 4.

Place where violation held to have arisen.

5. For the purpose of jurisdiction under the provisions of the *Criminal Code* relating to summary convictions, in any complaint, information or conviction for violation of any of the provisions of this Act or the regulations, the violation complained of may be alleged and shall be held to have arisen at the place where the live stock or live stock product was processed, graded, inspected, packed, sold, offered or had in possession for sale, shipped, transported or imported, or at the residence or usual place of residence of the accused. 1939, c. 47, s. 5.

Criminal proceedings not a bar to civil remedy.

6. Proceedings taken under this Act for a violation thereof or of the regulations or conviction recorded in respect thereto in no way affect the right of any person to any other legal remedy to which he would or may otherwise be entitled. 1939, c. 47, s. 6.

Fines to be paid to Receiver General.

7. Any pecuniary penalty imposed upon conviction for violation of any provision of this Act or the regulations belongs to Her Majesty, and shall be paid by the magistrate or officer receiving the same to the Receiver General and form part of the Consolidated Revenue Fund of Canada. 1939, c. 47, s. 7.

Advisory Committee. Expenses.

8. The Minister may appoint or authorize any group of persons engaged in the production or marketing of live stock or live stock products to designate representatives to act on an Advisory Committee with him or his representatives in connection with the marketing of any live stock or live stock products, and any person so appointed or designated shall be repaid all actual, reasonable travelling or other expenses incurred by him by reason of his so acting on such Committee. 1939, c. 47, s. 8.

Commissioner.

9. (1) The Governor in Council may appoint a Commissioner to investigate and report on the marketing of live stock or live stock products.

Powers under the Inquiries Act.

(2) For the purposes of such investigation, the Commissioner has the powers of a commissioner appointed under Part I of the *Inquiries Act*. 1939, c. 47, s. 9.

PART I—STOCKYARDS

Interpretation

Definitions.

10. In this Part and in any regulation thereunder,

"buyer".

- (a) "buyer" means any person or partnership other than a commission merchant, co-operative association, dealer, drover, or farmer engaged in the business of buying live stock at a stockyard;

"commission merchant".

- (b) "commission merchant" means any person, partnership or corporation engaged in the business of negotiating, for a commission, purchases or sales of live stock at a stockyard or arriving at or for delivery to a packer's yard, and who expends or receives moneys on behalf of a purchaser or vendor;

"co-operative association".

- (c) "co-operative association" means any organization of producers engaged in negotiating purchases or sales of live stock, for a commission, at a stockyard or arriving at or for delivery to a packer's yard, and which accounts for moneys expended or received, less marketing charges, to members of the association;

"dealer".

- (d) "dealer" means any person or partnership engaged in the business of buying and selling live stock at a stockyard on his own account and includes trader and speculator;

"drover".

- (e) "drover" means any person or partnership engaged in the business of selling his live stock at a stockyard on his own account;

"live stock".

- (f) "live stock" means horses, cattle, sheep, swine, and fur-bearing animals raised in captivity;

"live stock exchange".

- (g) "live stock exchange" means an organization of persons engaged in the business of negotiating purchases or sales or buying or selling live stock on a stock yard and the membership of which consists of at least three or more commission merchants or co-operative associations;

"packer".

- (h) "packer" means any person, partnership or corporation engaged in the business of slaughtering live stock to the number of two thousand in any three consecutive months or five thousand in any calendar year;

"packer's yard".

- (i) "packer's yard" means any enclosed place owned, controlled or operated by any packer or his agent and used in connection with receiving, holding or weighing live stock for slaughter or for marketing or for shipment for slaughter;

"proprietor".

- (j) "proprietor" means owner, lessee, occupier or operator of a stockyard; and

"stockyard".

- (k) "stockyard" means any area of land in operation as a public market for the purchase and sale of live stock declared by the Minister to be a stockyard under the provisions of this Part, with the buildings, fences, gates, chutes, weigh scales and other equipment situated thereon and

used in connection therewith, or any area of land used for the accommodation of live stock at ocean ports of export that may be declared by the Minister to be a stockyard under the provisions of this Part. 1939, c. 47, s. 12.

Regulations.

11. The Governor in Council may make regulations prescribing
 - (a) the manner in which stockyards and packers' yards shall be constructed, equipped, maintained and operated;
 - (b) the manner in which complaints against the operation, maintenance or management of a stockyard or packer's yard shall be dealt with;
 - (c) the manner in which co-operative associations and commission merchants shall make returns and prepare for presentation to the consignor statements of account of sales of live stock and for the investigation of such statements and the transactions represented thereby;
 - (d) the manner in which receipts, classifications, weights and purchase prices of all live stock shall be recorded at stockyards and packers' yards and made available to the Minister;
 - (e) the manner in which calves are to be subjected to *ante mortem* inspection;
 - (f) the manner in which calves condemned by inspectors shall be disposed of;
 - (g) the manner in which business is to be conducted by those using a stockyard operated under the provisions of this Part;
 - (h) the manner in which shippers' trust accounts shall be kept by co-operative associations and commission merchants and how they shall operate;
 - (i) the manner in which live stock consigned for sale on commission may be pooled for sale and how the proceeds thereof shall be accounted for; and
 - (j) any other matter that may be deemed necessary for the efficient enforcement of this Part. 1939, c. 47, s. 13.

Inspection

Inspection of stockyards and packers' yards.

12. Every stockyard and packer's yard is subject to inspection at all times and the owner or operator shall afford to any inspector every facility requisite to the performance of his duties. 1939, c. 47, s. 14.

Powers of inspector.

13. Any inspector authorized under this Part may, in his discretion, for the purpose of enforcing the provisions of this Part and regulations thereunder,
 - (a) enter any stockyard or packer's yard,
 - (b) inspect and grade all live stock as may be required,
 - (c) require the production for inspection of all books, records or other documents of any stockyard or packer's yard or of any co-operative association, commission merchant, or dealer; and
 - (d) inquire into any matter pertaining to the operation of any stockyard or packer's yard. 1939, c. 47, s. 15.

Operation of Stockyards

Restrictions on proprietor.

14. (1) No proprietor shall buy or sell live stock on his stockyard.
- (2) No proprietor shall operate as a commission merchant except on the written authority of the Minister, and subject to such terms and conditions as the Minister may prescribe. 1939, c. 47, s. 16.

May prescribe conditions of carrying on business.

15. (1) Every proprietor has authority to prescribe the terms and conditions under which any person, co-operative association, commission merchant or dealer shall be permitted to transact business on his stockyard, and, if a

live stock exchange is operating in connection with a stockyard, the terms and conditions shall require that a co-operative association, commission merchant or dealer, other than a proprietor as a commission merchant, shall be a member of such live stock exchange.

Shall not permit certain persons to operate.

(2) No such proprietor shall permit any commission merchant, co-operative association or dealer to operate on his stockyard who has for any reason been suspended, expelled or ceased to be a member of the live stock exchange. 1939, c. 47, s. 17.

Operators on the 3rd day of June, 1939, to be permitted to continue.

16. (1) Co-operative associations, commission merchants or dealers engaged in business at stockyards on the 3rd day of June, 1939, shall be permitted to continue in business subject to the rules and regulations of the stockyards as approved by the Minister, and shall not be denied the privileges of or be removed from the stockyards except for violation of this Act or regulations, or of any rule or regulation of the stockyards.

(2) The successors in ownership of any firm, partnership or corporation carrying on business as a commission merchant or dealer on the 3rd day of June, 1939, shall not operate on a stockyard without the permission of the proprietor given as in this section provided. 1939, c. 47, s. 18.

Proprietor to file prescribed information with Department.

17. Every proprietor shall file with the Department as required by regulation, the names, addresses, and nature of occupation of all persons or associations authorized to transact business on his stockyard and of all persons authorized to transact such business on behalf of such persons or associations. 1939, c. 47, s. 19.

Deposit of security.

18. Every co-operative association, commission merchant or dealer shall deposit with the Department such security, payable to Her Majesty, as the Minister may by regulation require for the proper discharge of all financial obligations. 1939, c. 47, s. 20.

Rules and regulations to be submitted for approval.

19. (1) Rules and regulations proposed to be adopted and enforced on a stockyard, or any amendments thereto, shall not have force or effect until the same have been approved by the Minister.

Schedules of fees and charges.

(2) Proprietors may be required to submit to the Department the schedules of fees and charges they propose to adopt and to charge, for services on their respective stockyards, against persons authorized to transact business thereon.

Amendment of rules, regulations and schedules.

(3) The Minister may require any rule, regulation or schedule of fees and charges in respect to any stockyard or in respect to any authorized operator thereon to be amended as he may deem advisable, or may require the adoption of any other rule or regulation.

Printing and availability.

(4) All rules and regulations and all schedules of fees and charges in effect on any stockyard shall be printed and made available for use as prescribed by the Minister. 1939, c. 47, s. 21.

Minister may declare certain markets and areas to be stockyards.

20. The Minister has authority to declare any public market where live stock is bought and sold, and any area of land used for the accommodation of live stock at ocean ports, to be a stockyard under the provisions of this Part, and to rescind such declaration. 1939, c. 47, s. 22.

Books and records to be open for inspection.

21. All books and records relating to the operation under this Act of any proprietor or the owner or operator of any packer's yard or any co-operative association, commission merchant or dealer or other agent or agents, shall be open at all times to examination by an inspector, auditor or other representative of the Minister. 1939, c. 47, s. 23.

Undertaking by applicant.

22. Every applicant who applies to the proprietor of a stockyard for registration and authority to transact business thereon shall be required to undertake, on a form approved by the Minister, faithfully to observe and comply with the provisions of this Act and regulations thereunder and the rules and regulations of the stockyard, and shall agree to suspension or cancellation of such authorization for any violation thereof. 1939, c. 47, s. 24.

Minister may require suspension or cancellation.

23. The Minister may require any proprietor to suspend or cancel the registration and authorization to transact business on his stockyard of any person who violates any provision of this Act or regulations thereunder. 1939, c. 47, s. 25.

Shippers' Trust Account.

24. Every co-operative association or commission merchant shall keep a separate bank account in a chartered bank, to be known as a "Shippers' Trust Account," and all moneys received on account of sales or to effect purchases shall be deposited in such account together with any sum of its own or his own which the co-operative association or commission merchant may deposit to enable it or him to make settlement with an owner or a consignor before payment has been received from the buyer. 1939, c. 47, s. 26.

Farmer or drover may sell own stock.

25. Notwithstanding anything in this Part, any farmer or drover may sell his own live stock at a stockyard on his own account. 1939, c. 47, s. 27.

Auction sales.

26. Nothing in this Part or in any regulation made thereunder shall be construed as prohibiting the sale of live stock by auction at a stockyard, except that such sale by auction shall be subject to regulations approved by the Minister. 1939, c. 47, s. 28.

Live Stock Exchanges

Live Stock Exchange may continue to function.

27. Live Stock Exchanges whose rules and regulations do not contravene any provision of this Part or regulations thereunder or the rules and regulations of the stockyard shall be permitted to function in the interests of the members thereof. 1939, c. 47, s. 29.

By-laws, rules, regulations subject to Minister's approval.

28. Any by-law, rule or regulation of a Live Stock Exchange with respect to membership fees or eligibility for membership therein is subject to the approval of the Minister. 1939, c. 47, s. 30.

Offences and Penalties

Offences and penalties.

29. Any person who,

- (a) contravenes any provision of this Part;
- (b) assaults, interferes with or obstructs any inspector or other official of the Department in the performance of his duties;
- (c) refuses entry by any inspector or other official of the Department to any building or other premises of or connected with a stockyard or packer's yard;

- (d) operating under this Act, refuses or neglects to keep proper books or records relating to such operation, or refuses access to such books or records to any inspector or representative of the Minister;
- (e) renders or causes to be rendered an account of purchase or sale showing the purchase or sale of live stock not actually or *bona fide* made;
- (f) renders or causes to be rendered an account of purchase or sale and fails to state on such account the name of the owner or the person, firm, or corporation from or to whom the live stock was purchased or sold together with each and every item of purchase or sale;
- (g) falsely weighs or records, under a purported sale, the sale of any live stock to any person other than an actual purchaser;
- (h) renders an account of purchase or sale which does not correspond with the record of purchase or sale;
- (i) fails to comply with any regulation respecting the pooling of live stock or the account therefor;
- (j) being a commission merchant or co-operative association, purchases or offers to purchase without the consent of the owner or his agent, live stock consigned to himself or itself for sale;
- (k) allows the use of his or their name in weighing live stock not actually sold to or cleared through such person;
- (l) being a commission merchant or co-operative association, or a member of any firm or corporation operating as such, gives credit or financial assistance to or guarantees the payment of or pays directly or indirectly for live stock purchased by or on the account of a dealer; or
- (m) being a commission merchant or co-operative association, operates in a dual capacity of commission merchant and dealer or co-operative association and dealer;

is guilty of an offence and liable upon summary conviction in the case of a first offence to a fine of not less than one hundred dollars, and in the case of a second or subsequent offence to a fine of not less than three hundred dollars or to imprisonment for a term of not less than one month and not exceeding six months, with or without hard labour, or to both fine and imprisonment. 1939, c. 47, s. 31.

Contravening regulations.

30. Any person who contravenes any regulation under this Act is guilty of an offence and liable, upon summary conviction, in the case of a first offence to a fine of not less than twenty-five dollars and in the case of a second or subsequent offence to a fine of not less than fifty dollars or to imprisonment for a term of not less than ten days and not exceeding one month, with or without hard labour, or to both fine and imprisonment. 1939, c. 47, s. 32.

PART II—LIVE STOCK AND LIVE STOCK PRODUCTS

Interpretation

Definitions.

31. In this Part and the regulations thereunder, unless the context otherwise requires or it is otherwise specially provided,

"broker".

- (a) "broker" means any person or partnership engaged in the business of negotiating purchases or sales of live stock or live stock products for a brokerage fee;

"commission merchant".

- (b) "commission merchant" means any person or partnership engaged in the business of buying or selling live stock or live stock products for a commission;

"co-operative association".

- (c) "co-operative association" means any organization of producers engaged in the marketing of live stock or live stock products and which returns the net proceeds of such marketing to the producers thereof, whether in cash or by the distribution of patronage dividends;

"live stock".

- (d) "live stock" means cattle, sheep, swine and fur-bearing animals raised in captivity and live poultry;

"live stock products".

- (e) "live stock products" means meat, raw hides and skins, raw furs, dressed poultry, eggs or wool;

"package".

- (f) "package" means any bag, barrel, box, can, case, container, crate, or any other receptacle or covering in which any live stock product is packed or placed;

"poultry".

- (g) "poultry" means domestic fowl, guinea fowl and pigeons;

"ship" or "shipping".

- (h) "ship" or "shipping" means the overt act of any person leading to the movement, by common carrier or other means of public conveyance, of any live stock or live stock product from or to a point outside the province in which he carries on business; and

"transport" or "transporting".

- (i) "transport" or "transporting" means the overt act of any person leading to the movement, otherwise than by shipping, of any live stock or live stock product from or to a point outside the province in which he carries on business. 1939, c. 47, s. 33.

Regulations by Governor in Council respecting production within or importation into Canada.

32. The Governor in Council may, with respect to any live stock or live stock product produced within or imported into Canada, make regulations,

- (a) prescribing standards of quality and grades;
- (b) respecting inspection, grading, packing, labelling, branding and marking and the manner thereof;
- (c) prescribing types, sizes and specifications of packages, packing material and methods of packing;
- (d) respecting the shipping and transporting of any live stock or live stock product;
- (e) prescribing from time to time the quantity, quality, grade or class that may be exported;
- (f) providing for the establishment of a service for the marketing of live stock on a basis of carcass grades;
- (g) prescribing from time to time the quality, grade or class that may be imported;
- (h) requiring any person or class of persons exporting any live stock or live stock product to obtain a licence upon such terms and conditions as may be deemed necessary in the public interest;
- (i) prescribing the manner in which the seller or shipper of ungraded live stock and live stock products shall identify, for purposes of grading, individual producers' lots in such shipments;
- (j) prescribing the manner in which a receiver of live stock and live stock products shall make returns and prepare for presentation to the seller or shipper the statements of account of purchase of such live stock and

live stock products, and for the investigation of such statements and the transactions represented thereby;

- (k) prescribing the manner in which a co-operative association, commission merchant or broker shall keep account of moneys received by them on account of sales and the kind of statement of account of such sales that shall be returned to the shipper and for the investigation of such statements or transactions represented thereby;
- (l) prescribing the grades of eggs that may be broken or dried in an egg-breaking plant;
- (m) requiring any person or class of persons engaged in the grading of any live stock or live stock product to obtain a certificate upon such terms and conditions as may be deemed necessary in the public interest;
- (n) requiring any person or class of persons engaged in the shipping or transporting of any live stock or live stock product to register with the Department and prescribing the terms and conditions upon which registration shall be granted in the public interest;
- (o) respecting the advertising of live stock products for which grades have been prescribed; and
- (p) with respect to any other matter deemed necessary for the efficient enforcement of this Act. 1939, c. 47, s. 34.

Ministerial regulations.

33. The Minister may, with respect to any live stock or live stock product produced within or imported into Canada, make regulations,

- (a) prescribing fees for grading and inspection services;
- (b) prescribing the places or areas where and when any regulation made under the provisions of this section shall be in force;
- (c) prescribing measures respecting sanitation in, on or about premises operated by any person under this Act;
- (d) providing for the issuance, renewal or cancellation of licences, certificates or registrations;
- (e) respecting records to be kept and reports to be made to the Department by persons processing, grading, shipping or transporting any live stock product;
- (f) prescribing the form of certificate issued with respect to any live stock or live stock product; and
- (g) prescribing the manner in which samples of any live stock product shall be taken. 1939, c. 47, s. 35.

Cancellation or suspension of licences, certificates or registration.

34. The Minister may cancel or suspend any licence, certificate or registration for violation of any provision of the Act or regulations. 1939, c. 47, s. 36.

Inspection

Inspection of live stock and products.

35. All live stock and live stock products shall be made available for inspection and grading as required by the regulations pertaining thereto. 1939, c. 47, s. 37.

Powers of Inspector.

36. Any inspector may, for the purpose of enforcing the provisions of this Part and regulations thereunder,

- (a) enter any place, premises, vessel, or vehicle containing or believed to contain any live stock or live stock product for the purpose of inspecting such product, premises, vessel or vehicle;
- (b) require the production for inspection of all books, records or other documents pertaining to any live stock or live stock product or the disposition thereof;

- (c) take samples of any live stock product in the manner authorized by the regulations;
- (d) delay the shipment of any live stock or live stock product for the time necessary to complete his inspection thereof;
- (e) seize and place under detention in the manner authorized by the regulations, any live stock or live stock product which has been manufactured, packed, branded, labelled, marked, shipped, transported or imported in violation of this Part or regulations made thereunder;
- (f) refuse to inspect or mark or give any certificate respecting any live stock or live stock product found in any place, premises, vessel or vehicle deemed by him to be insanitary or unsuitable for inspection purposes; and
- (g) require the return, at the expense of the owner thereof, to the place from which it was moved, of any live stock product that has been seized or detained. 1939, c. 47, s. 38.

Inspection certificate prima facie evidence.

37. (1) Any inspection certificate purporting to be signed by an inspector or other official in the performance of his duties under this Part is *prima facie* evidence of the facts stated in such certificate.

Certificate of appointment prima facie evidence.

(2) The production by an inspector or other official of a certificate of his appointment purporting to be signed by the Minister is *prima facie* evidence of the facts stated therein and conclusive as to the authority of the inspector. 1939, c. 47, s. 39.

Disposition of seizures.

38. (1) Any live stock or live stock product seized for contravention of any provision of this Part or regulations thereunder shall be disposed of as the Minister may direct.

Detained, seized or disposed of at risk and expense of owner. Notice to owner.

(2) Any live stock or live stock products detained, seized or disposed of under the provisions of this Part or regulations thereunder are at the risk and expense of the owner thereof, and the inspector shall immediately notify the owner or his agent by prepaid telegram, letter or otherwise that such live stock or live stock product has been seized, detained or disposed of as the case may be. 1939, c. 47, s. 40.

Offences and Penalties

Offences and penalties.

39. Any person who,

- (a) obstructs or interferes with any inspector or who declines reasonably to facilitate the carrying out of his inspection or the performance of his duties;
- (b) uses or imitates any registered or identification number, mark, brand, stencil or label assigned or belonging to any other person or any package bearing the same;
- (c) except as may be permitted in the regulations, changes, alters, effaces, or obliterates, or causes to be changed, altered, effaced or obliterated, any wrapper, label or mark of any kind on any package or live stock product which has been inspected, graded or imported;
- (d) falsely exchanges or substitutes the package or packages of any inspected or graded live stock product;
- (e) after his licence has been suspended or revoked, ships or transports any live stock or live stock product, of a kind or class formerly dealt in by him under such licence;
- (f) moves or causes or allows to be moved any live stock or live stock product that has been seized or detained by an inspector under this Part until authorized so to do by an inspector; or

- (g) bribes or attempts to bribe, or makes any offer, proposal, gift, loan or promise, or gives or offers any compensation or consideration directly or indirectly, to induce any inspector or other official to issue any irregular or untrue certificate in connection with any live stock or live stock product or to refrain from performing any of his duties as required by the Act and regulations;

is guilty of an offence and liable upon summary conviction in the case of a first offence to a fine of not less than one hundred dollars and in the case of a second or subsequent offence to a fine of not less than three hundred dollars or to imprisonment for a term of not less than three months and not exceeding six months, with or without hard labour, or to both fine and imprisonment. 1939, c. 47, s. 41.

Misbranding live stock product.

40. Any live stock product shall be deemed to be misbranded within the meaning of this Part,

- (a) if such product is below the standard or grade signified by any standard, grade or designated mark applied to or used on it,
- (b) if it is contained in a package from which all grade, brand, inspection or standard of quality marks applicable to previous contents of such package have not been completely removed, erased or obliterated, or
- (c) if it or any package, label or document purporting to apply to it bears any statement, design or device which is false or misleading, in any particular. 1939, c. 47, s. 42.

Other offences.

41. Any person who,

- (a) misbrands any live stock product;
- (b) ships or transports any live stock or live stock product which has not been inspected, graded, packed, labelled and marked with a true description thereof in accordance with the regulations;
- (c) except as may be otherwise permitted in the regulations, ships or transports or imports any live stock or live stock product which is below the minimum grade for such product;
- (d) falsely represents the origin, date of manufacture, quantity, quality, grade or class of any live stock or live stock product by any untrue, deceptive or misleading advertisement, handbill, poster or statement;
- (e) sells, offers or has in possession for sale for human consumption any live stock product that is below the minimum grade prescribed by the regulations for such product;
- (f) violates any provision of this Part or any regulation thereunder;

is guilty of an offence and liable upon summary conviction in the case of a first offence to a fine of not less than twenty-five dollars and in the case of a second or subsequent offence to a fine of not less than fifty dollars or to imprisonment for a term of not less than one month and not exceeding three months, with or without hard labour, or to both fine and imprisonment. 1939, c. 47, s. 43.

PART III—POULTRY PRODUCTION

Interpretation

Definitions.

42. In this Part and in any regulation thereunder, "chicks".

- (a) "chicks" means poultry under one month old;

"hatchery".

- (b) "hatchery" means any place, buildings, or premises equipped with an incubator capacity of one thousand or more eggs and used for incubation purposes;

"hatcheryman".

(c) "hatcheryman" means any person who operates a hatchery;

"poultry".

(d) "poultry" means domestic or wild fowl or birds; and

"pullorum test" or "blood test".

(c) "pullorum test" or "blood test" means a test for pullorum disease. 1939, c. 47, s. 44.

Regulations.

43. The Governor in Council may make regulations

- (a) prescribing a programme, to be known as the Dominion Poultry Improvement Programme, for the improvement of poultry stock and the eradication of disease therein;
- (b) prescribing the standards and grades for chicks, poultry and hatcheries;
- (c) prescribing where and when the Dominion Hatchery Approval Policy and the regulations thereunder under the Dominion Poultry Improvement Programme shall be in force;
- (d) requiring hatcherymen to register with the Department annually the names and addresses of all persons who act as agents in the marketing of chicks or poultry;
- (e) requiring hatcherymen and their agent or agents to keep available for inspection adequate records of production and marketing of all chicks and poultry, and submit to the Department such information with respect thereto as the Minister may require;
- (f) prescribing the types, sizes, specifications, labelling and marketing of packages used by a hatcheryman for the marketing of chicks;
- (g) permitting registration under the Dominion Hatchery Approval Policy by any person operating a hatchery regardless of capacity in any part of Canada wherein the Dominion Hatchery Approval Policy has not been proclaimed under this Act;
- (h) prescribing measures for sanitation in or about hatcheries;
- (i) prescribing measures for inspection, banding and marketing of chicks and poultry;
- (j) prescribing the method of applying the pullorum test and the period during which it shall be deemed effective; and
- (k) respecting any other matter deemed necessary for the enforcement of this Part. 1939, c. 47, s. 45.

Dominion Poultry Improvement Programme to come into force by proclamation.

44. (1) The Dominion Poultry Improvement Programme or any part thereof or Policy thereunder shall come into force in any specified province upon proclamation of the Governor in Council.

In province where not proclaimed may operate on voluntary basis.

(2) In any province in which the Programme has not been proclaimed by the Governor in Council, such Programme or any part thereof or Policy thereunder may be applied on a voluntary basis as prescribed by the regulations. 1939, c. 47, s. 46.

Operation by permit.

45. No person shall operate a hatchery within a province in which the Dominion Hatchery Approval Policy has been proclaimed under this Act unless he has been issued a permit so to do by the Minister. 1939, c. 47, s. 47.

Refusal of permit for violation of Act.

46. The Minister may refuse a permit to any hatcheryman for a period of one year who has been convicted of an offence under this Part or who has otherwise contravened any provision of this Act or the regulations. 1939, c. 47, s. 48.

Suspension or revocation of permit.

47. The Minister may suspend or revoke the permit of any hatcheryman who, in the operation of his hatchery, has, in the opinion of the Minister, contravened any provision of this Act or the regulations. 1939, c. 47, s. 49.

Hatcheryman to submit proposed publications, etc.

48. Every hatcheryman operating within a province in which the Dominion Hatchery Approval Policy is in force shall submit to the Department for approval prior to publication, all catalogues, circulars, advertisements or other publicity material proposed to be used by him in connection with the operation of his hatchery or the marketing of chicks or poultry. 1939, c. 47, s. 50.

Seizure and detention by inspector for violation. Notice to owner.

49. Any chicks or poultry that have been produced, packed, shipped, transported or imported in violation of this Act or regulations may be seized and detained by an inspector at the risk and expense of the owner, and the inspector shall immediately notify the owner or his agent by prepaid telegram, letter or otherwise that such chicks or poultry have been seized and detained. 1939, c. 47, s. 51.

Inspection

Powers of inspector.

50. Any inspector appointed or designated as such under this Act may, for the purpose of enforcing the provisions of this Part and regulations thereunder,

- (a) enter any hatchery containing or believed to contain any chicks or poultry for the purpose of inspecting same;
- (b) require the production for inspection of all books, records or other documents pertaining to any chicks or poultry or the disposition thereof;
- (c) delay the shipment of any chicks or poultry for the time necessary to complete his inspection thereof;
- (d) seize and place under detention in the manner authorized by the regulations, any chicks or poultry which have been produced, packed, shipped, transported or imported in violation of this Act or the regulations;
- (e) refuse to inspect or mark or give any certificate respecting any chicks or poultry found in any hatchery deemed by him to be insanitary; and
- (f) require the return, at the expense of the owner thereof, to the place from which they were moved, any chicks that have been seized or detained. 1939, c. 47, s. 52.

Chicks not to be shipped inter-provincially except under the Approval Policy.

51. No person shall

- (a) ship or accept for shipment chicks from any place in Canada into any province in which the Dominion Hatchery Approval Policy has been proclaimed under this Act unless such chicks have been produced and labelled as required under such Policy, and, if such province has made pullorum testing a requirement of its flock approval policy, such chicks were produced in approved hatcheries using only eggs from flocks approved under a provincial flock approval policy which, in the opinion of the Minister, requires pullorum tests as stringent as those of the province into which such chicks are to be shipped; or

Importation of chicks into province having the Approval Policy.

- (b) import chicks into any province in which the Dominion Hatchery Approval Policy has been proclaimed under this Act unless such chicks have been produced under a policy of official supervision and approval recognized by the Minister and accompanied by a certificate as required by the Minister. 1939, c. 47, s. 53.

Offences and Penalties

Offences and penalties.

52. Any person who

- (a) contravenes any provision of this Part, or regulations thereunder;
- (b) applies to or uses with respect to any hatching eggs, chicks, poultry, flock or hatchery any term, standard or grade prescribed by the Governor in Council when such hatching eggs, chicks, poultry, flock or hatchery do not comply with the requirements of such term, standard or grade;
- (c) ships, transports or accepts for shipment or transport chicks into any province where the Dominion Hatchery Approval Policy has been proclaimed under this Act unless such chicks have been produced, and the package containing them labelled, in accordance with the requirements prescribed in the regulations;
- (d) imports into any province where the Dominion Hatchery Approval Policy has been proclaimed under this Act, any chicks which have not been produced under a policy or method of official supervision approved by the Minister;
- (e) operates a hatchery in any province wherein the Dominion Hatchery Approval Policy has been proclaimed under this Act unless he has been issued a permit by the Department for such hatchery;
- (f) operates a hatchery after his permit from the Department has been suspended or revoked; or
- (g) being a hatcheryman in any province where the Dominion Hatchery Approval Policy has been proclaimed under this Act, publishes, prints or circulates, or causes to be published, printed or circulated, any advertisement, paper, pamphlet or circular pertaining to hatching eggs, chicks, poultry, flock, or hatchery unless such advertisement, paper, pamphlet or circular has first been approved by the Department;

is guilty of an offence and liable upon summary conviction in the case of a first offence to a fine of not less than twenty-five dollars and in the case of a second or subsequent offence a fine of not less than fifty dollars or to imprisonment for a term of not less than one month and not exceeding three months, with or without hard labour, or to both fine and imprisonment. 1939, c. 47, s. 54.

Live Stock and Live Stock Products Act—Regulations respecting the Grading and Export of Bacon

P.C. 5329

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 30th day of December, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS under authority of the Live Stock and Live Stock Products Act, 1939, regulations respecting the Grading and Export of Bacon were made by Order in Council P.C. 2447, dated the 7th day of June, 1940, and amended by Order in Council P.C. 4533, dated the 31st day of October, 1946;

AND WHEREAS experience has shown the need of several revisions, additions, and deletions in the technical and legal detail of the said regulations;

AND WHEREAS it is believed these changes will be instrumental in improving and standardizing the quality of bacon exported from Canada;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of the Live Stock and Live Stock Products Act, is pleased to order as follows:

1. The Regulations respecting the Grading and Export of Bacon, established by Order in Council P.C. 2447 of the 7th day of June, 1940, as amended, are hereby revoked; and
2. The attached revised and amended Regulations respecting the Grading and Export of Bacon are hereby made and established in substitution for the regulations hereby revoked.

A. D. P. HEENEY, *

Clerk of the Privy Council.

Regulations Respecting the Grading and Export of Bacon

1. In these regulations,
 - (a) "Act" means The Live Stock and Live Stock Products Act, 1939;
 - (b) "bacon" means all pork products destined for export to Great Britain;
 - (c) "export" means export to Great Britain; and
 - (d) "exporter" means any person licensed under these regulations to export bacon to Great Britain.
2. (1) The Minister may issue a licence to any person to export bacon and may prescribe the terms and conditions under which such licence is issued.
(2) No person shall export bacon unless authorized by licence of the Minister.
(3) Every exporter shall comply with the terms and conditions prescribed in his licence.
(4) The Minister may decline to issue a licence if he is not satisfied that the applicant therefor is able to comply with these regulations and the terms and conditions of his licence; and the Minister may suspend or cancel any licence for violation of any of these regulations or the Act.
3. All bacon and all packages containing bacon shall be branded and marked in a neat and clear manner and as prescribed in these regulations.
4. Bacon shall be graded according to the grades and grade names prescribed by these regulations.
5. The prescribed grades for bacon are as follows:

I. Wiltshire Sides

- (1) *Grade "A"*
- (a) Grade "A" Wiltshire sides weighing 55 pounds or more shall be made only from carcasses measuring at least 29 inches from the lower front edge of the first rib to the inside of the aitch bone, and Grade "A" Wiltshire sides weighing less than 55 pounds shall be made only from carcasses measuring at least 28 inches from the lower front edge of the first rib to the inside of the aitch bone;
- (b) Grade "A" Wiltshire sides shall have a clean bright appearance, and be neatly butchered and trimmed; they shall be well balanced, with reasonably uniform width throughout, with a good proportion of lean to fat and meat to bone; the streak shall be reasonably thick and the gammon plump and well shaped;
- (c) the fleshing of Grade "A" Wiltshire sides shall be of good quality and texture throughout; the fat shall be reasonably white and firm; soft or oily sides shall not be included;
- (d) the following shall disqualify a Wiltshire side from Grade "A":
 - (i) proportionately heavy front end;
 - (ii) deep breast;
 - (iii) exceptionally long shanks;
 - (iv) belly with thin, excessively fat or a wide spready flank;
 - (v) more than slight evidence of dark hair roots or pigment;
 - (vi) coarse, rough, thick, or staggy rinds; or

- (vii) bruises or scratches—
except that a small number of the following minor blemishes may be accepted—
 - (viii) shallow scalps not exceeding $1\frac{1}{2}$ inches in diameter;
 - (ix) minor surface scratches;
 - (x) small skin cuts or cracks; or
 - (xi) small bruises when occurring only on bellies and lower front or hind shanks.
- (2) *Grade "B"*
- (a) Grade "B" Wiltshire sides shall be of good quality, but may include sides that have some imperfections in conformation, type, or workmanship;
 - (b) Grade "B" Wiltshire sides shall be free from extensive bruises or blemishes, but may include sides with small bruises and those from which small bruises have been trimmed;
 - (c) Grade "B" Wiltshire sides shall be free from extensive areas of dark hair roots or pigment;
 - (d) very thin, very soft, or oily sides shall not be included in Grade "B".
- (3) *Fat Selections*
- (a) Fat selections 1 (leanest), 2 (lean) and 3 (prime) are applicable to both Grades A and B Wiltshire sides as follows:

Maximum Fat Measurements

	<i>Weight Range</i>	<i>Selection</i>	<i>Maximum Shoulder Fat</i>	<i>Maximum Back and Loin Fat</i>
(i)	50-55	1	$1\frac{3}{4}$ inches	$1\frac{1}{4}$ inches
		2	2 inches	$1\frac{1}{2}$ inches
		3	$2\frac{1}{4}$ inches	$1\frac{3}{4}$ inches
(ii)	55-60	1	$1\frac{7}{8}$ inches	$1\frac{3}{8}$ inches
		2	$2\frac{1}{8}$ inches	$1\frac{5}{8}$ inches
		3	$2\frac{3}{8}$ inches	$1\frac{7}{8}$ inches
(iii)	60-65	1	2 inches	$1\frac{1}{2}$ inches
		2	$2\frac{1}{4}$ inches	$1\frac{3}{4}$ inches
		3	$2\frac{1}{2}$ inches	2 inches
(iv)	65-70	1	$2\frac{1}{2}$ inches	$1\frac{5}{8}$ inches
		2	$2\frac{3}{8}$ inches	$1\frac{7}{8}$ inches
		3	$2\frac{5}{8}$ inches	$2\frac{1}{8}$ inches

Fat Measurements for other Weight Ranges

- (b) Maximum fat measurements for Wiltshire sides weighing 45 pounds or more but less than 50 pounds shall, for both measurements in each selection, be $\frac{1}{8}$ inch less than those prescribed for the 50-55 range.
- (c) Maximum fat measurements for Wiltshire sides weighing over 70 pounds shall, for both measurements in each selection, be $\frac{1}{8}$ inch greater for each additional 5 pounds weight than those prescribed for the 65-70 range.

Maximum Shoulder Fat Measurement

- (d) The maximum shoulder fat measurement shall be taken at the point of maximum fat thickness on the shoulder; a small infiltration of fatty tissue, which is not properly a part of the back fat, may be disregarded.

Maximum Back and Loin Fat Measurement

- (e) The maximum back and loin fat measurement shall be taken at the point of maximum fat thickness between the eighth rib and the round bone.

II. Cuts

(1) *Grade "A"*

- (a) Grade "A" Cuts shall have a clean cut bright appearance, and shall be neatly butchered and trimmed, with a good proportion of lean to fat and meat to bone; the fleshing throughout shall be of good quality and texture; the fat shall be reasonably white and firm; soft or oily cuts shall not be included.
- (b) each Grade "A" Cut shall be of correct shape according to the recognized commercial standard for that cut;
- (c) Grade "A" Cuts shall be free of bruises or blemishes except as hereinafter provided;
- (d) if Cuts are branded, both ribbon and proprietary brands must be clearly legible and without signs of smearing or blurring;
- (e) Grade "A" Cuts shall have a rind that is reasonably thin; coarse, rough, thick staggy rinds shall disqualify any cut for Grade "A".

(2) *Hams and Gammons*

- (a) Fat selections for Hams and Gammons are as follows:

Fat Measurements

	<i>Maximum</i>	<i>Minimum</i>
(i) 12-18 and under	1½ inches	½ inch
(ii) 18-20	1¾ inches	½ inch
(iii) 20-22 and over	1¾ inches	½ inch

(b) Fat measurements shall be taken at the butt end, when the Ham or Gammon is lying flesh side up, the thickest and thinnest points which occur within 3 inches either to the right or left of the aitch or round knuckle bone.

(c) The following shall disqualify a Gammon or Ham from Grade "A":

- Exceptionally long shanks;
- more than slight evidence of dark hair roots or pigment;
- coarse, rough, thick, or staggy rinds;
- bruises or scratches—

except that a small number of the following minor blemishes may be accepted—

- shallow scalps not exceeding 1½ inches in diameter;
- minor surface scratches;
- small skin cuts or cracks;
- small bruises when occurring only on the lower shank.

(3) *Middles*

- (a) Fat selections for Middles are as follows:

*Fat Measurements**No. 1 Selection (Leanest)*

<i>Weight Range</i>	<i>Maximum Shoulder</i>	<i>Maximum Loin</i>	<i>Minimum Fat</i>
(i) 22-25	1½ inches	1¾ inches	¾ inch
(ii) 25-30	1¾ inches	1½ inches	¾ inch
(iii) 30-34 and over	1¾ inches	1½ inches	¾ inch

No. 2 Selection (Lean)

(iv) 22-25	1¾ inches	1½ inches	.....
(v) 25-30	2 inches	1¾ inches	.....
(vi) 30-34 and over	2½ inches	1¾ inches	.....

No. 3 Selection (Prime)

(vii) 22-25	2 inches	1¾ inches	.....
(viii) 25-30	2¼ inches	2 inches	.....
(ix) 30-34 and over	2½ inches	2½ inches	.....

(b) Maximum Shoulder measurements shall be taken on the back at the shoulder end of the Middle.

(c) Maximum Loin measurements shall be taken on the back at the point of maximum fat thickness between the eighth rib and the gammon end.

(d) Minimum Fat measurements shall be taken on the back at the point of minimum fat thickness.

(e) The following shall disqualify a Middle from Grade "A":

- (i) more than slight evidence of dark hair roots or pigment;
- (ii) belly thin, excessively fat or wide, spready flank;
- (iii) coarse, rough, thick or staggy rinds;
- (iv) bruises or scratches—

except that a small number of the following minor blemishes may be accepted—

- (v) shallow scalps not exceeding 1½ inches in diameter;
- (vi) minor surface scratches;
- (vii) small skin cuts or cracks;
- (viii) small bruises when occurring only on the bellies.

(4) Rib Backs

(a) Fat selections for Rib Backs are as follows:

*Fat Measurements**No. 1 Selection (Leanest)*

<i>Weight Range</i>	<i>Maximum</i>	<i>Maximum</i>	<i>Minimum</i>
	<i>Shoulder</i>	<i>Loin</i>	<i>Fat</i>
(i) 10-14	1½ inches	1¾ inches	¾ inch
(ii) 14-16	1¾ inches	1½ inches	¾ inch
(iii) 16-18 and over	1¾ inches	1½ inches	¾ inch

No. 2 Selection (Lean)

(iv) 10-14	1¾ inches	1½ inches	.....
(v) 14-16	2 inches	1¾ inches	.....
(vi) 16-18 and over	2½ inches	1¾ inches	.....

No. 3 Selection (Prime)

(vii) 10-14	2 inches	1¾ inches	.....
(viii) 14-16	2¼ inches	2 inches	.....
(ix) 16-18 and over	2½ inches	2½ inches	.....

(b) Maximum Shoulder measurements shall be taken at the shoulder end of the Rib Back on the back.

(c) Maximum Loin measurements shall be taken at the point of maximum fat thickness between the eighth rib and the gammon end on the back.

(d) Minimum Fat measurements shall be taken at the point of minimum fat thickness on the back.

(e) The following shall disqualify Rib backs from Grade "A":

- (i) more than slight evidence of dark hair roots or pigment;
- (ii) coarse, rough, thick, or staggy rinds;
- (iii) bruises or scratches—

except that a small number of the following minor blemishes may be accepted—

- (iv) shallow scalps not exceeding 1½ inches in diameter;
- (v) minor surface scratches;
- (vi) small skin cuts.

(5) *Fore-ends*

(a) Fat selections for Fore-ends are as follows:

*Fat Measurements**No. 1 Selection (Leanest)*

<i>Weight Range</i>	<i>Maximum Shoulder</i>
(i) 12-16	1¾ inches
(ii) 16-18	1⅞ inches
(iii) 18-20 and over	2 inches

No. 2 Selection (Lean)

(iv) 12-16	2 inches
(v) 16-18	2⅛ inches
(vi) 18-20 and over	2¼ inches

No. 3 Selection (Prime)

(vii) 12-16	2¼ inches
(viii) 16-18	2⅜ inches
(ix) 18-20 and over	2½ inches

(b) Maximum Shoulder measurements shall be taken at the point of maximum fat thickness on the Shoulder; a small infiltration of fatty tissue, which is not properly part of the back fat, may be disregarded.

(c) The following shall disqualify Fore-ends from Grade "A":

- (i) more than slight evidence of dark hair roots or pigment;
- (ii) coarse, rough, thick or staggy rinds;
- (iii) bruises or scratches—

except that a small number of the following minor blemishes may be accepted—

- (iv) shallow scalps not exceeding 1½ inches in diameter;
- (v) minor surface scratches;
- (vi) small cuts;
- (vii) small bruises when occurring only on the lower shank.

(6) *Other Cuts*

(a) Any other Cuts shall conform to recognized commercial standards.

6. Bacon shall be packaged as the Minister may from time to time prescribe.

7. Bacon being exported shall receive such care and handling in transit as may from time to time be prescribed by the Minister.

8. Every exporter of bacon shall issue a signed statement in the form prescribed by the Minister respecting each shipment of bacon being exported; such statement shall be signed by an inspector and one copy thereof shall be forwarded by the exporter to the Marketing Service, Department of Agriculture, Ottawa.

9. Licences issued under these Regulations shall be in the following form:

*"LIVE STOCK AND LIVE STOCK PRODUCTS ACT**LICENCE TO EXPORT BACON*

Under the provisions of the Live Stock and Live Stock Products Act, 1939.

.....
of in the Province of
is hereby licensed TO EXPORT BACON in accordance with the provisions of
the said Act and Regulations.

the size and design described hereafter for each selection; such stamp shall be applied in a legible manner on a clear space on the loin, midway between the last rib and the oyster bone and between the Ribbon Marking and the edge of the back on the skin side; it shall be placed so that the top of the figure is towards the neck-end.

(2) No. 1 Selection (leanest) shall be stamped with a figure 1 of $\frac{3}{4}$ inches in height, within a triangle of 1 inch at the base and $1\frac{1}{4}$ inches high, or as may be prescribed by the Minister from time to time.

(3) No. 2 Selection (lean) shall be stamped with a figure 2 of $\frac{3}{4}$ inches in height, within a rectangle of $\frac{7}{8}$ inches wide and $1\frac{1}{8}$ inches high, or as may be prescribed by the Minister from time to time.

(4) No. 3 Selection shall not be stamped.

**The Live Stock and Live Stock Products Act—Regulations respecting
THE GRADING AND BRANDING OF BEEF**

P.C. 868

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 2nd day of March, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of The Live Stock and Live Stock Products Act, 1939, is pleased to order as follows:

1. The Regulations respecting the Grading and Branding of Beef, established by Order in Council P.C. 3851 of October 1, 1947, are hereby revoked; and

2. The attached "Regulations Respecting the Grading and Branding of Beef" are hereby made and established in substitution for the regulations hereby revoked.

A. D. P. HEENEY,
Clerk of the Privy Council.

Regulations Respecting the Grading and Branding of Beef

1. In these Regulations, unless the context otherwise requires:

- (a) "Act" means the Live Stock and Live Stock Products Act, 1939;
- (b) "beef" means the carcass or portion thereof of a steer, heifer, cow, stag or bull of the bovine species, that has been skinned, dressed and scribed in accordance with standard practice, but does not include veal;
- (c) "establishment" means any person, partnership, or company engaged in the purchase or slaughter of cattle, or the selling or offering for sale of beef;
- (d) "brand" means any mark or stamp that may be applied to beef to indicate the quality thereof or that might be construed as indicating the quality thereof.

Definitions of Grades

2. The prescribed grades for beef shall be as follows:

Grade A (Choice—Red Brand)—This grade shall include only choice carcasses of steers and heifers having the following characteristics: excellent conformation, finish and quality. The carcasses shall be relatively short and blocky, heavily and uniformly fleshed throughout. Rounds, loins and ribs shall be very well developed, chucks and plates shall be very thick and heavily fleshed. The neck shall be short and well filled. Shanks shall be short and well muscled.

The flesh shall be firm, velvety, fine-grained, and of an attractive light or cherry red colour.

The cartilages on the chine and breast bones shall be pearly white and the bones soft and red, except that in the heavier carcasses the cartilages may be slightly ossified, and the bones slightly hardened and of a grayish white colour.

The exterior surface of the carcass shall be covered with firm fat, white or slightly high in colour. This fat should as a rule be smooth, but may be slightly wavy.

In the case of carcasses from fed calves a lesser degree of finish is required than for heavier carcasses.

An excess proportion of fat to lean shall debar a carcass from this grade. Each carcass in this grade shall have a cold weight of not less than 300 lbs.

Grade B (Good—Blue Brand)—This grade shall include only good carcasses of steers and heifers having the following characteristics: good conformation, finish and quality. Rounds, loins and ribs shall be reasonably full. Chucks and plates shall be moderately thick. The neck shall be reasonably short and thick.

The flesh should be moderately firm but a slight softness is permissible. The colour may range from a light cherry red to a slightly darker red but shall not be excessively dark.

The cartilages on the chine and breast bones should be pearly white and the bones soft and red, except that in the heavier carcasses the cartilages may be slightly ossified, and the bones slightly hardened and of a greyish white colour.

The fat covering shall extend well over the exterior surfaces but may be somewhat lacking on the neck and lower parts of the rounds, shoulders and shanks. The hips and shoulder points may be slightly visible. The fat covering should be reasonably firm, smooth and white but may be somewhat soft or have a yellowish tinge.

In the case of carcasses from fed calves a lesser degree of finish is required, as in Grade A.

An excess proportion of fat to lean shall debar a carcass from this grade.

Each carcass in this grade shall have a cold weight of not less than 300 lbs.

Grade C—This grade shall include only carcasses of steers, heifers and cows.

Carcasses shall have the following indications of youth: Hind quarters shall have cartilage on the tips of the lumbar vertebrae, or a red line where the capping cartilage was present, indicating that ossification was only recently completed. On the front quarters, while there may be considerable ossification, some pearl like cartilage must be in evidence on the tips of the dorsal vertebrae and on the sternum bone.

Carcasses of steers and heifers shall have the following characteristics in addition to the above required indications of youth: carcass relatively long in proportion to its width and inclined to be slightly angular; hip and shoulder joints noticeable but not prominent; ribs, loins, and rounds moderately thick; the fat covering extended well over most of the exterior surface, but may be rough, wavy, or wasty at the hook-bones and tail end; fat shall be firm, but may have a yellowish tinge; flesh moderately firm but may be slightly soft.

Carcasses of cows shall have the following characteristics in addition to the above required indications of youth: beef type conformation, good finish, and quality; rounds thick; loins may be somewhat flat; rib, chuck, plate and brisket moderately thick; hip and shoulder joints slightly prominent but well covered; exterior fat extending well over the carcass without excessive waste or patchiness; fat firm, creamy to yellowish in colour; flesh firm, fine-grained, and of good colour.

Grade D—Class 1—This class shall include only the carcasses of steers and heifers having the following characteristics: conformation may be somewhat rangy, angular and irregular; the rounds, loins and ribs may be thinly fleshed providing there is a medium proportion of meat to bone; there shall be at least a light fat covering over the ribs and loins; the flesh may be dark in colour.

Class 2—This class shall include only the carcasses of cows having the following characteristics: of medium to good quality, not eligible for C Grade; carcasses shall be fairly well fleshed on the hips, steak pieces, and chucks, with an exterior fat covering over the loins and ribs, extending at least moderately well over the chucks and rounds, providing that somewhat less covering is acceptable in carcasses having indications of youth. Excessively fat and patchy carcasses may be included if well trimmed, leaving a fair proportion of lean to fat.

Class 3—This class shall include only cow carcasses not eligible for Class 2 but above "Canner and Cutter" quality. The requirement with respect to the acceptance of excessively fat and patchy carcasses as specified for Class 2 shall also apply to this class.

Grade M (Manufacturing)—This grade shall include only carcasses of steers, heifers, or cows. Cow carcasses constitute a large proportion of the beef eligible for this grade.

The quality shall be below that specified for D grade and for the most part shall include beef not suitable for sale as carcasses. There may be a large proportion of bone to flesh and exterior fat covering may be absent.

Grade S (Stags and Bulls)—This grade shall include only the carcasses of stags and bulls.

Branding for Consumer Trade

3. Only beef that bears the Inspection Legend as required under the Meat and Canned Foods Act may be branded under these Regulations.

4. Only beef that has been graded and stamped by an inspector while in carcasses or sides may be branded under these Regulations, and any brand applied to such beef shall be in conformity with the inspector's stamp thereon.

5. (1) No person shall apply any brand to any beef unless the use of such brand has been authorized by the Minister.

(2) Any establishment that desires to apply a brand on beef graded under these Regulations shall apply to the Minister for authority to use such brand or brands.

(3) The Minister may, for any cause that to him seems sufficient, revoke any authority given by him under subsection one of this section.

6. (1) Brands shall conform to a type approved by the Minister and shall be applied on the outside surface of the beef with indelible ink in such manner as may be prescribed by the Minister so as to afford maximum identification of quality after the beef has been cut.

(2) All brands on "Grade A" beef shall be applied with red indelible ink, all brands on "Grade B" beef shall be applied with blue indelible ink and brands on beef of the other prescribed grades shall be applied as required by the Minister from time to time.

Grading for Settlement to Producers

7. When beef carcasses have been graded in accordance with these Regulations the inspector may, if requested, sign and issue a certificate showing the number of carcasses in each grade and class, if

(a) the cattle are identified before slaughter with a specific mark of identity as approved by the Minister; and

(b) the consignor of such cattle, or his agent, has made out and signed a manifest showing each farmer's name, address, number of cattle of each farmer and their respective marks of identity, and delivered such

manifest to the inspector at the establishment to which such cattle are consigned within twenty-four hours after the arrival of the cattle at the establishment.

Penalties

8. (1) Nothing in these Regulations shall be construed to require any beef to be graded or branded.

(2) Every person who grades and brands beef shall grade and brand such beef in accordance with these Regulations.

(3) No person shall sell or offer, advertise or hold in possession for sale any beef under a grade name established by these Regulations unless the beef is graded and branded in accordance with these Regulations.

(4) No person shall, by means of a brand or otherwise, apply to any beef that is not graded and branded under these Regulations and no person shall use in association with such beef, any grade name or other designation so closely resembling a grade name established by these Regulations that it is likely to be mistaken therefor.

DEPARTMENT OF AGRICULTURE

Under and by virtue of authority provided in the Live Stock and Live Stock Products Act, 1939, and in accordance with the provisions of the Regulations respecting the grading and branding of beef, Section 6, and the Regulations respecting the branding of lamb and mutton, Section 11, the following brands are hereby prescribed by the undersigned:—

Grade A—The letter A and the word CHOICE in red ink.

Grade B—The letter B and the word GOOD in blue ink.

Grade C—The letter C and the word COMCL in brown ink.

Grade D—The letter D and the word UTILITY in brown ink.

In addition the brand for lamb shall include the word LAMB.

The brand for beef shall be in the form of a ribbon mark approximately one inch wide, with the grade letter and the grade name alternating and recurring.

The brand for lamb shall be in the form of a ribbon approximately three-eighths inch wide with the grade letter, the grade name, and the word LAMB recurring in succession.

The brand for mutton shall be in the form of a ribbon approximately three-eighths inch wide with the grade letter and the grade name alternating and recurring.

These brands for beef, lamb, and mutton shall be known as the National Brands for Meats and are the brands prescribed to designate the carcass grades as defined under the Live Stock and Live Stock Products Act, 1939.

(Signed) Ernest Bertrand
Acting Minister of Agriculture

Department of Agriculture
Ottawa, August 2, 1949

Live Stock and Live Stock Products Act—Regulations respecting the
Export of Dairy Cattle

P.C. 4297

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 29th day of September, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of section 34 of The Live Stock and Live Stock Products Act, 1939, 3 George VI, chapter 47, is pleased to order as follows:

1. The Regulations Respecting the Export of Dairy Cattle, established by Order in Council P.C. 2064 of 27th July 1939, as amended, are hereby revoked; and

2. The annexed regulations entitled "Regulations Respecting the Export of Dairy Cattle" are hereby made and established in substitution for the Regulations hereby revoked.

A. D. P. HEENEY,
Clerk of the Privy Council.

Regulations Respecting the Export of Dairy Cattle

Short Title

1. These Regulations may be cited as the Dairy Cattle Export Regulations.

Interpretation

2. In these Regulations

- (a) "Act" means The Live Stock and Live Stock Products Act, 1939;
- (b) "dairy cattle" means
 - (i) pure bred or grade female cattle suitable in breeding, type and condition for milk production; and
 - (ii) pure bred male animals suitable in breeding, type and condition for the reproduction of dairy cattle;
- (c) "export" means export to Great Britain;
- (d) "exporter" means any person licensed under these Regulations to export dairy cattle;
- (e) "Minister" means the Minister of Agriculture.

Licences

3. (1) The Minister may issue a licence to any person to export dairy cattle and may prescribe the conditions under which such licence may be issued.

(2) No person shall export dairy cattle until authorized by a licence from the Minister.

(3) The Minister may suspend or cancel any licence issued for violation of any of these Regulations or of any term or condition under which such licence is issued.

Inspection

4. Dairy cattle shall not be exported unless and until they have been inspected by an inspector under the Act and have been approved by him as dairy cattle within the meaning of these Regulations.

5. Dairy cattle shall not be exported unless and until they have been inspected by an inspector under the Animal Contagious Diseases Act, Revised

Statutes of Canada, 1927, Chapter 6, and Regulations thereunder, and certificates of tuberculin test and of blood test for Bangs Disease (bovine infectious abortion) have been issued with respect thereto.

6. Individual certificates of tuberculin test and of Bangs Disease (bovine infectious abortion) test as required by these Regulations must accompany all dairy cattle exported.

Calving

7. Dairy cattle which show indications of calving within a period of twenty-one days from the time of inspection by an inspector under the Act shall not be exported.

Shipping Space

8. In the case of any dairy cattle that might freshen during the period of a voyage or shipment, exporters shall provide for at least four per cent (4%) more boat space for each such animal than the amount usually allowed for each animal.

Winter Export

9. Dairy cattle which are to be transported in winter from Montreal, P.Q., to the ports of Saint John, N.B., or Halifax, N.S., shall be transported in properly ventilated box cars containing extra bedding and a blanket for each animal. Any shipment from Montreal to either of the aforesaid ports shall be accompanied by attendants who are experienced in the care of dairy cattle.

Form of Licence

Under the authority of The Live Stock and Live Stock Products Act, 1939, and the Regulations respecting the Export of Dairy Cattle made thereunder,

I, the undersigned
Deputy Minister of Agriculture for Canada,
do hereby issue to
a licence effective

This licence shall be valid until such time as it is revoked in writing.

.....
Deputy Minister of Agriculture

Dated at Ottawa, Canada, this

(This licence implies no assurance that any cattle shipped hereunder to Great Britain will be accepted in Great Britain).

Live Stock and Live Stock Products Act—Regulations respecting the Grading,
Packing and Marking of Eggs

P.C. 5294

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 18th day of October, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of The Live Stock and Live Stock Products Act, 1939, is pleased to order as follows:

1. The Regulations respecting the grading, packing and marking of eggs, established by Order in Council P.C. 1579 of 23rd April 1940, as amended, are hereby revoked; and

2. The annexed "Regulations respecting the Grading, Packing and Marking of Eggs" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,

Clerk of the Privy Council

Regulations Respecting the Grading, Packing and Marking of Eggs

Interpretation

1. (a) "Act" means the Live Stock and Live Stock Products Act, 1939;
- (b) "box" means a container made to contain fifteen dozen eggs;
- (c) "carton" means a container made to contain one dozen or one-half dozen eggs;
- (d) "case" means a container made to contain thirty dozen eggs;
- (e) "delivery" means the physical transfer of eggs from one premises to another premises, whether or not any change in the ownership of the eggs is involved;
- (f) "Department" means the Department of Agriculture;
- (g) "eggs" means eggs of the domestic hen in the shell, excepting only those intended for incubation;
- (h) "first receiver" means any person other than a Registered Egg Grading Station who purchases or receives on consignment or on account, ungraded eggs from producers;
- (i) "floating air cell" means an air cell which has no fixed position in the egg as a result of the inner shell membrane having been ruptured;
- (j) "graded eggs" means eggs in containers which are marked with the name of a Canadian Standard Egg Grade;
- (k) "grass egg" means an egg in which the yolk shows a green or olive colour on candling;
- (l) "label" means a card or paper fully covering the end of an egg case or box;
- (m) "printed" means printed by use of the printing process;
- (n) "producer" means a person who ships, transports or sells only eggs produced on his own farm;
- (o) "Reject" means an egg below the minimum grade;
- (p) "retailer" means any person who offers, has in possession for sale or sells eggs to a consumer;
- (q) "ship" or "shipping" means the overt act of any person leading to the movement, by common carrier or other means of public conveyance, of any eggs from or to a point outside the province in which he carries on business;

- (r) "tag" means a card or paper not fully covering the end of an egg case or box;
- (s) "transport" or "transporting" means the overt act of any person leading to the movement, otherwise than by shipping, of any eggs from or to a point outside the province in which he carries on business;
- (t) "ungraded eggs" means eggs in containers which are not marked with the name of a Canadian Standard Egg Grade;
- (u) "wholesaler" means any person who sells eggs to a retailer, or to any restaurant, hospital, hotel, boardinghouse, bakery, logging, mining or construction camp, transportation company or other organization for its use in baking or cooking or for serving to inmates, guests, patrons or employees; or who sells eggs for conversion into frozen or dried eggs or other egg product.

PART I—CANADIAN EGG STANDARDS

2. (1) The Canadian Egg Standards are based upon the requirements of the Act and Regulations and when they are applied to eggs shipped, transported, offered or had in possession for sale, purchased or sold, compliance with the Regulations shall be obligatory with respect to

- (a) Grades;
- (b) Grading Premises and Equipment;
- (c) Packing Materials;
- (d) Grade Markings.

(2) The name of a Canadian Standard Egg Grade applied on any container of eggs shall constitute a representation that the eggs therein have been graded, packed and marked in accordance with the Canadian Egg Standards.

Canadian Standard Egg Grades

3. (1) The Canadian Standard Egg Grades shall comprise compulsory and optional grades. Where eggs are required to be graded in accordance with the Canadian Egg Standards, such eggs shall be graded into their respective compulsory grade or grades as hereunder prescribed but may be further graded into their respective optional grades.

<i>Compulsory Grades</i>	<i>Optional Grades</i>
Grade A Large	None
Grade B	Grade A Medium
	Grade B Large
	Grade B Medium
Grade C	Grade A Pullet
	Grade B Pullet

Additional Optional Grades shall be

- Grade A1 Large
- Grade A1 Medium
- Grade A1 Pullet

(2) To be eligible for grading under the additional optional grades eggs must be produced, graded and packed as required in Regulation 5.

(3) Each egg shall be placed in the highest compulsory or corresponding optional grade for which it qualifies and any egg not so placed shall be deemed not to have been properly graded according to the Canadian Egg Standards.

(4) In grading eggs, consideration shall be given to the four following factors:

- (a) Quality factor, as determined by candling;
- (b) Weight factor;
- (c) Appearance factor, as determined by degree of cleanness; and
- (d) Shell factor, as determined by soundness and construction of shell.

4. (1) All eggs bearing the grade designation "A" shall comply with the following specifications:

- (a) Quality factor—Yolk outline indistinct; yolk shadow reasonably small and round in shape, maintaining position in central part of egg; air cell must not exceed $\frac{3}{16}$ inch in depth. Mottled yolks, grass yolks, visible germ spots, floating air cells or meat spots shall disqualify eggs for this grade.
- (b) Appearance factor—Clean, without spot or stain of foreign substance.
- (c) Shell factor—Sound, without crack or check and regular in construction.
- (d) Weight factor—Grade A Large eggs shall weigh individually at the rate of not less than 24 ounces per dozen. Grade A Medium eggs shall weigh individually at the rate of not less than 22 ounces per dozen and up to but not including 24 ounces per dozen. Grade A Pullet eggs shall weigh individually at the rate of not less than 18 ounces per dozen and up to but not including 22 ounces per dozen.

(2) All eggs bearing the grade designation "B" shall comply with the following as minimum specifications:

- (a) Quality factor—Yolk outline may be slightly visible and yolk shadow slightly oblong, but not definitely enlarged or flattened; yolk shall not rise completely to uppermost end of egg and shall float freely around egg on twirling; air cell must not exceed $\frac{3}{8}$ inch in depth. Extremely mottled or grass yolks, definitely pronounced germ spots, floating air cells or meat spots shall disqualify eggs for this grade.
- (b) Appearance factor—May show stains or small spots providing they do not seriously detract from the appearance of the egg.
- (c) Shell factor—Sound, without crack or check.
- (d) Weight factor—Grade B eggs shall weigh individually at the rate of not less than 22 ounces per dozen. Grade B Large eggs shall weigh individually at the rate of not less than 24 ounces per dozen. Grade B Medium eggs shall weigh individually at the rate of not less than 22 ounces per dozen and up to but not including 24 ounces per dozen. Grade B Pullet eggs shall weigh individually at the rate of not less than 20 ounces per dozen and up to but not including 22 ounces per dozen and, for export, 39 pounds net per thirty dozen. Tolerances in the weight factor shall apply between the fifteenth day of September and the last day of February, during which period the minimum individual egg weights for "Grade B Large" and "Grade B Medium" shall be at the rate of $23\frac{1}{2}$ and $21\frac{1}{2}$ ounces, respectively; provided that in case lots the net weight per thirty dozen is not less than 45 and 42 pounds, respectively.

(3) All eggs bearing the grade designation "C" shall comply with the following as minimum specifications:

- (a) Quality factor—Yolk outline may be distinctly visible but the yolk shall not adhere to the shell membrane nor shall the yolk membrane be broken. No maximum air cell size. Extremely mottled yolks, grass yolks, definitely pronounced germ spots, floating air cells and meat spots shall not disqualify eggs for this grade.
 - (b) Appearance factor—May be dirty or stained.
 - (c) Shell factor—May be cracked or irregular in construction.
 - (d) Weight factor—No minimum weight.
- (4) Cracked eggs shall be packed separately and marked "Grade C—Cracks".

5. (1) Grade A1 eggs shall be graded, packed and marked only by producers approved by the Department or by co-operative associations or marketing groups authorized by the Department to perform that function for approved producers, and only provided that:

- (a) Poultry houses and yards are clean and sanitary and yards fenced;
- (b) No male birds are kept in pens supplying Grade A1 eggs, before or after the breeding season;
- (c) Only grain feeds, plus recognized supplementary feeds in the mash, are fed;
- (d) Producers have adequate facilities for cooling eggs;
- (e) The producer satisfies the Department that the eggs will go to the consumer in the original sealed packages and that the method of marketing is satisfactory to the Department;
- (f) If the eggs are graded, packed and marked by a co-operative association or marketing group, such association or group operate a Registered Egg Grading Station.

(2) Authorizations by the Department to producers, co-operative associations or marketing groups to grade, pack and mark Grade A1 eggs may be withdrawn on violation of any of the requirements of this Regulation.

(3) All eggs bearing the grade designation "A1" shall comply with the following specifications:

- (a) Quality factor—Yolk shadow indistinct, small and round in shape, maintaining position in central part of egg; air cell must not exceed $\frac{3}{8}$ inch in depth; mottled or grass yolks, visible germ spots, floating air cells or meat spots shall disqualify eggs for this grade.
- (b) Appearance factor—Clean, without spot or stain of foreign substance.
- (c) Shell factor—Sound, without crack or check and regular in shape and construction.
- (d) Weight factor—Grade A1 Large eggs shall weigh individually at the rate of not less than 24 ounces per dozen. Grade A1 Medium eggs shall weigh individually at the rate of not less than 22 ounces per dozen and up to but not including 24 ounces per dozen. Grade A1 Pullet eggs shall weigh individually at the rate of not less than 20 ounces per dozen and up to but not including 22 ounces per dozen.

6. Cold stored eggs may be graded or sold only in Grades "B" or "C" or their optional grades except Grade A Medium or Grade A Pullet.

7. All eggs which are not eligible to be graded into the compulsory or optional grades or which show any abnormal or prohibited condition, matter or discoloration, or a musty odour or which have been in an incubator or which contain any of the following defects, seen in candling:

Blood spot—An egg containing one or more spots or clots of blood;

Bloody egg—An egg through the contents of which blood is diffused;

Blood ring—An egg showing a ring of blood on the yolk;

Mixed or red rot—An egg in which the yolk sac is ruptured sufficiently to permit the yolk to mix with the albumen;

Spot rot—An egg in which a mould spot or spots is apparent beneath the shell or along cracks in the shell;

Black rot—An egg which appears solidly black;

White rot—An egg in which the yolk is covered with a light coloured crust, the albumen watery and usually possessing a putrid odour;

Sour rot—An egg of which the contents when broken out have a sour odour. Indications of these eggs, as seen in candling, are a bubbly condition at the air cell line, an extremely prominent yolk and a dull, hollow sound when clicked against other eggs;

Stuck yolk—An egg in which the yolk membrane is adhering to the shell in such a manner that it cannot be freed by normal twirling in course of candling;

shall be below the minimum grade and classed as "Rejects".

8. (1) No person shall buy or receive, ship or transport any eggs below the minimum grade, unless he is in possession of a permit issued by the Department.

(2) No person shall sell, ship or deliver any eggs below the minimum grade to any person not in possession of a permit.

9. Applications for a permit to buy eggs below the minimum grade shall be made to the Department, stating the premises where they are to be received, the territory from which they will be received or transported and the use for which they are intended.

10. (1) Holders of a permit to buy eggs below the minimum grade shall furnish to the Department monthly a statement showing the receipts and disposition of such eggs, and shall retain for a period of ninety days for the perusal of an inspector such documents and other records as may be required by the Department.

(2) Persons selling, shipping or delivering eggs below the minimum grade shall retain records of all such sales for a period of ninety days for the perusal of an inspector.

11. Containers in which eggs below the minimum grade are shipped or transported shall be marked on both ends with the word "Rejects" in letters at least three-quarters of an inch high.

12. If more than eight eggs in fifteen dozen are found to be below the grade marked on the container, all eggs in such container shall be deemed to be misbranded; provided that

(a) eggs examined after delivery shall not be deemed to be misbranded if not more than twelve eggs are found to be below the grade marked on the container; and

(b) cracked eggs only in excess of six in fifteen dozen shall be regarded as undergrades after delivery.

13. Eggs which shall be regarded as undergrades in each grade are set forth below:

—	A Large	A Medium	A Pullet	B
Undergrades.....	A Medium A Pullet B C Rejects	A Pullet B C Rejects	B C Rejects	A Pullet C Rejects

—	B Large	B Medium	B Pullet	C
Undergrades.....	A Medium B Medium A Pullet C Rejects	A Pullet C Rejects	C Rejects	Rejects

14. (1) With respect to the Quality factor, the seller shall be deemed to have misbranded any eggs which, within thirty-six hours after delivery by him, are found to be below the grade stated on the container at the time of delivery and, with respect to the factors of Weight and Appearance, he shall be deemed to have misbranded any eggs which are found, within seven days after delivery by him, to be below the grade stated on the container at time of delivery.

(2) After the expiration of the period specified in subsection (1) the responsibility for eggs found to be below the grade designated on the container shall rest on the person in whose possession such eggs are found.

Grading Premises and Equipment

15. Eggs may be graded, packed and marked in accordance with the Canadian Egg Standards only in premises with respect to which a Certificate of Registration as a Registered Egg Grading Station has been issued by the Minister; provided that a Certificate of Registration shall not be required of a producer.

16. (1) Every person desiring to operate premises for the grading, packing and marking of eggs in accordance with the Canadian Egg Standards, shall apply annually to a District Office of the Poultry Products Inspection Service, on a form provided for that purpose, for a Certificate of Registration of each of such premises as a Registered Egg Grading Station; such application shall be made one month in advance of the date when it is desired that the Certificate shall be effective.

(2) Certificates of Registration of Registered Egg Grading Stations shall expire on the thirty-first day of December of each year.

17. Certificates of Registration of Registered Egg Grading Stations are not assignable.

18. Certificates of Registration for Registered Egg Grading Stations shall be granted only when:

- (a) the premises are clean, sanitary and free from odour;
- (b) the grading, packing and marking of eggs are done in a room entirely separate from any other pursuit or occupation of the operator, and in a room which has no physical connection or communicating passage with any general retail store business or with any premises used for the warehousing or holding of hides or furs or of any other product which is not conducive to the proper handling of eggs;
- (c) the size and arrangement of the premises or room in which eggs are to be graded, packed and marked is adequate for properly handling the product;
- (d) the room in which eggs are to be graded is constructed so as to exclude outside light to permit efficient candling;
- (e) the grading room is equipped with approved candling appliances and, unless an egg weighing machine is employed, with an approved scale for each grader;
- (f) the grading bench, shelf, candling appliance and scale are so arranged as to make efficient and accurate grading possible;
- (g) the grading of eggs is done only by or under the direct supervision of graders approved by the Department and only in accordance with the Canadian Egg Standards;
- (h) the premises in which eggs are to be handled before, during and after grading at no time attain a temperature higher than sixty-seven degrees Fahrenheit;
- (i) the egg room is equipped with a tested thermometer and, preferably, with a wet and dry bulk hygrometer to permit of both temperature and humidity readings; and
- (j) the grading station premises or the building in which they are located, if there is an inside connection between the egg premises and the rest of the building, have a convenient public entrance.

19. (1) Each Registered Egg Grading Station shall be allotted a number and each case or box of eggs packed at that station shall bear the wording "REG. No." followed by the number allotted to that station, all in letters at least one-quarter of an inch high. This wording shall appear below the grade name on the tag or label, if such are used, or below the grade name on the case and shall be applied in the same manner as the grade markings.

(2) The original registered number shall remain on or attached to a case or box of eggs only so long as the contents have not been removed or regraded

When the eggs in any case or box are removed or regraded, the original registered number shall be removed from such case or box.

20. Responsibility for eggs which do not conform to the grade represented shall, when the eggs are examined after delivery, be determined by the provisions of Regulation 14 rather than by the registered number appearing on the case or box.

21. When cases or boxes of graded eggs are identified with a grader's number, such number shall appear on the upper right hand corner of the tag or label, if such are used, or at the right of the top cleat on the end of the case or box on which the grade name appears.

Canadian Standard Packing Material For Eggs

22. Cases, fillers and flats used in packing eggs according to the Canadian Egg Standards, shall comply with the following specifications:

(a) *Wooden Cases—*

Inside Dimensions—24" long x $11\frac{5}{8}$ " wide x $12\frac{1}{2}$ " high.

Ends— $12\frac{1}{2}$ " high $11\frac{5}{8}$ " wide x $7/16$ " thick, dressed on outside. The ends shall be made of not more than three pieces, without openings between them and with the grain of the wood vertical. Sections made up of Lindermann joints shall be considered as one piece for ends and centre division only.

Horizontal cleats, across top and bottom of each end—12" long x $1\frac{3}{4}$ " high x $3/8$ " thick, dressed on outside. The cleats shall extend across the full width of each end.

Centre Divisions— $11\frac{5}{8}$ " wide x $12\frac{1}{2}$ " high x $7/16$ " thick. They shall be made of not more than three pieces and shall be tongued and grooved or fastened with corrugated fasteners. The grain shall be horizontal.

Sides— $24\frac{7}{8}$ " long x $1/4$ " thick, in two or three pieces. If three pieces are used each piece shall be not less than $3\frac{7}{8}$ " wide. If two pieces are used each piece shall be not less than $5\frac{7}{8}$ " wide.

Tops and bottoms— $25\frac{5}{8}$ " long x $1/4$ " thick, in one, two or three pieces. If three pieces are used, each piece shall be not less than $3\frac{7}{8}$ " wide. If two pieces are used each piece shall be not less than $5\frac{7}{8}$ " wide. If one piece is used it shall be not less than 12" wide. It is recommended that tops form a single unit, i.e., that the boards making up the top be fastened together by a cleat at each end.

The ends and centre divisions shall be made of one-inch lumber, dressed two sides and re-sawn, two pieces to the inch. The sides, top and bottom shall be made of one-inch lumber, dressed two sides and re-sawn, three pieces to the inch.

The above specifications may be departed from only to make a case of greater inside depth than $12\frac{1}{2}$ ", or to use lumber thicker than $1/4$ " for sides, top and bottom, or thicker than $7/16$ " for ends and centre divisions, and to increase other dimensions accordingly.

The sides and bottom shall be nailed to the centre partition and to the ends or cleats with $1\frac{1}{4}$ " fifteen gauge cement coated box nails, with six nails per nailing edge. The top shall be nailed to the ends with $1\frac{1}{2}$ " fourteen gauge uncoated nails with six nails per nailing edge, except that when unitized at least three nails shall be used. The cleats shall be nailed to the ends with six one-inch clinch nails or clinch staples, staggered.

Wooden cases shall be made of well seasoned wood with not more than fifteen per cent moisture content. The wood shall be sound, live and bright, with no rot, bark or doze. No knot shall be greater in diameter than one-third of the width of that part. Cases shall be made of merchantable grade spruce, or an equivalent grade of white pine, basswood, poplar, western hemlock or cottonwood.

(b) Wooden boxes—

Wooden boxes shall comply in full with the above specifications, excepting only with respect to the necessary reduction in length and the elimination of the centre partition.

(c) Corrugated cases or boxes for domestic use—

Corrugated cases or boxes may be used as a standard package for the shipment of eggs within Canada providing test figures for resistance (bursting test), dimension limit and gross weight limit are stamped on an outer surface and providing that such test figures comply with the specifications of the Express Traffic Association. When corrugated cases or boxes are used the word "EGGS" in letters at least one inch high shall appear on the same side or end as the grade markings.

(d) Fillers and flats—

Fillers and flats shall be made of groundwood or solid pulp fibre of medium finish. For domestic use within Canada the board in the fillers shall be not less than .022 inches thick, the flats not less than .025 inches thick and 11¼ inches square. For export use the board in the fillers shall be not less than .025 inches thick, and moulded flats or trays shall be used.

23. (1) Grade A eggs shall be packed only in new cases with new fillers, flats and pads, or in the equivalent thereof with respect to cleanness and soundness of construction. Grade B and Grade C eggs may be packed in used cases with used fillers, flats and pads for shipment within Canada provided that such cases, fillers, flats and pads are sound, with no parts missing or broken, clean and in good condition. Eggs for shipment out of Canada shall be packed only in new cases and shall be wired at both ends.

(2) An egg case shall not be deemed to be clean if all marks applying to previous contents, including grade designation, registration, number, government mark and grader's number, have not been smoothly removed.

24. Excelsior pads shall be placed below the first filler and on top of the last filler in each case or box, except that where moulded flats or trays are used they may replace the excelsior pads.

Canadian Standard Grade Markings For Eggs

25. The Canadian standard grade markings for containers of eggs shall be as follows:

- (a) Grade markings on cases to be shipped or transported within Canada shall appear on at least one end, and on boxes on at least one side, and shall be either printed on a tag or label, or shall be printed, stamped or stencilled on the case or box. The Registered Egg Grading Station number shall also be shown in the manner prescribed in regulation 19.

- (b) Tags shall be at least three inches high and five inches long. The colour of tags for the various grades shall be as follows:

Grade A Large—Red
 Grade A Medium—Green
 Grade A Pullet—White
 Grade B—Blue
 Grade C—Yellow

The lettering on tags shall be in black.

Tags shall be placed in the centre of the end and shall be fastened to the case or box either by adhesive material or by two tacks or staples, one at each end of the tag.

- (c) The grade markings on cases or boxes for export shall appear on at least one end and shall be either printed on a label or printed, stamped or stencilled on the case or box. The words "Canadian Eggs" also shall appear on such cases or boxes in the manner prescribed in regulation 31.

- (d) The grade markings on cases and boxes shall consist of the word "Grade", followed by the letter of the grade and the weight designation where used, all of which shall be in letters three-quarters of an inch high, with the stems of the letters one-eighth of an inch thick. The grade designation shall not be abbreviated.
- (e) The grade markings on cartons shall be printed or stamped on the top of the carton and shall not be obscured by other wording or design on the carton.
- (f) The grade markings on eggs in open containers in retail stores shall be printed or stamped on a card immediately on top or in front of the eggs and in full, unobscured view of the public.
- (g) The grade markings on cartons and open containers shall consist of the word "Grade", followed by the letter of the grade and the weight designation, all of which shall be in letters at least one-half inch high. The grade designation shall not be abbreviated. The word "size" may be used after the weight designation.

26. (1) When cartons are packed in cases or boxes the prescribed markings shall appear both on the cartons and on the cases or boxes.

(2) Cases or boxes of graded eggs shall not be marked with the name of more than one grade, unless such eggs are packed in cartons.

27. When cases or boxes are wrapped in paper the prescribed markings shall appear both on the case or box proper and on the outside of the paper wrapper.

28. Any person who

- (a) applies the name of any Canadian Standard Egg Grade on any container of eggs; or
- (b) sells, ships, transports or has in his possession eggs in containers marked with a Canadian Standard Egg Grade;

shall, unless the requirements of this Part with respect to grades, packing material, grade markings and grading premises and equipment have been complied with in every respect, be guilty of an offence under these Regulations.

PART II—SHIPMENT AND TRANSPORTATION

29. Eggs shall not be exported or, in a quantity in excess of forty-nine cases in any one day, shipped or transported out of any province into any other province of Canada, unless such eggs have been graded, marked and packed in accordance with the Canadian Egg Standards.

30. Ungraded eggs, in a quantity of forty-nine cases or less, shall not be shipped or transported out of any province into any other province of Canada unless such eggs are being shipped or transported to a Registered Egg Grading Station.

31. All cases of eggs being exported shall be marked on the end of the case above the grade mark with the words "Canadian Eggs" in letters not less than three-quarters of an inch high.

32. All cases or boxes of graded eggs being shipped or transported by a producer who is not registered as a Registered Egg Grading Station, shall be marked, in letters not less than one-quarter inch high, with the name and address of the producer in the same manner as and below the grade mark.

33. Eggs out of storage may be shipped or transported to a Registered Egg Grading Station without grading or inspection, but the containers thereof shall bear the words "Ungraded out of storage", in letters not less than one-quarter inch high, stamped or stenciled over existing grade marks or, if they bear no grade marks, on the ends of the containers.

PART III—INSPECTION

34. Eggs in quantities in excess of twenty-four cases shall not be exported or, except as permitted in Regulation 33, in quantities in excess of ninety-nine cases in any one day shipped or transported out of one province into any other province of Canada, unless such eggs have been inspected, the cases or boxes marked with the government mark and a Certificate of Inspection thereof has been issued by an inspector.

35. Upon the application of the operators of Registered Egg Grading Stations in any area representing more than 50 per cent of the eggs shipped or transported out of that area, the Minister may, if satisfied that the public interest would best be served thereby, designate such area as an Inspection Area under these Regulations.

36. Graded Eggs shall not be shipped or transported out of any Inspection Area designated by the Minister, unless such eggs have been inspected, the cases or boxes marked with the government mark and a Certificate of Inspection thereof has been issued by an inspector.

37. Certificates of Inspection may be refused by an inspector if any shipment of eggs is to be shipped or transported under unsuitable conditions or which otherwise fail to comply with the Act or Regulations.

38. Certificates of Inspection shall be in the form or forms prescribed by the Minister.

39. A Certificate of Inspection shall be valid only from the point of issue to the destination shown on the Certificate.

40. (1) The government mark for containers of Canadian eggs shall be a design of a Maple Leaf, with the words "Canadian Poultry Products—Government Inspected" and the inspector's number and date of inspection.

(2) The government mark shall be applied only by an inspector.

Import Inspections

41. Eggs imported into Canada for domestic consumption in quantities in excess of nine cases shall be inspected and marked with the government mark by an inspector at the port of entry into Canada.

42. Collectors of Customs shall not release for delivery any importation of eggs intended for domestic consumption until they have been furnished with a Certificate of Inspection signed by an inspector. Such Certificate of Inspection shall be attached by the Collector to the Customs Entry Form and forwarded to the Department of National Revenue.

43. Containers of eggs imported into Canada for domestic consumption, if not previously marked, shall be marked on both ends by the importer with the words "Produce of" followed by the name of the country of origin in letters at least one inch high and on at least one end with the grade of the eggs contained therein in accordance with the specifications of the Canadian Egg Standards. The importer shall be permitted to regrade any such importation only under the supervision of and in premises approved by an inspector.

44. All imported eggs intended for re-grading shall be kept separate from all other eggs and shall not be moved out of the premises until they have been re-inspected by an inspector.

45. Imported eggs shall be repacked in the cases in which they were imported and the markings showing the country of origin shall not be removed or obliterated; provided that if such eggs cannot be repacked in the original cases, other cases may be used, but shall be marked to show the country of origin.

46. The government mark for use on cases or boxes of imported eggs shall include the words "Foreign Eggs" with the words "Government Inspected" and the inspector's number.

PART IV—DETENTION

47. An inspector may place under detention any eggs which have been graded, packed, marked, shipped, transported or imported in violation of the provisions of the Act or these Regulations.

48. The inspector shall attach to one case in every lot placed under detention a numbered detention tag, which shall bear the words "Under Detention—Department of Agriculture" together with a brief description of such lot, the date and the inspector's signature.

49. Immediately after placing any eggs under detention the inspector shall deliver or mail to the owner of the eggs or his agent a duly completed form of "Notice of Detention". If such eggs are in premises other than those of the owner, a copy of the "Notice of Detention" shall be given to the persons in whose premises the eggs are located.

50. The inspector shall designate in the "Notice of Detention" the premises to which any detained eggs shall be taken.

51. When an inspector is satisfied that any detained eggs comply with the Regulations he may issue a duly completed form of "Notice of Release". One copy of such "Notice of Release" shall be delivered to the owner or his representative and one copy to the person in possession of the eggs.

52. Detention tags shall not be removed from any eggs by anyone other than an inspector.

PART V—WHOLESALE AND RETAIL DISTRIBUTION

53. Eggs shall not be shipped, transported, delivered or kept in a warehouse ready for delivery, by a wholesaler, unless they have been graded, packed and the containers thereof marked in accordance with Canadian Egg Standards and the prescribed identification of a Registered Egg Grading Station and, if imported, the name of the country of origin; provided that when a wholesaler is a producer and is not a Registered Egg Grading Station, such containers shall bear the name and address of the producer in the manner prescribed in Regulation 32.

54. The shipment, transportation or delivery of eggs on a wholesale basis shall, except by a producer, be conducted only by a person who holds a Certificate as a Registered Egg Grading Station with respect to the premises from which he conducts such wholesale business.

55. (1) Eggs shall not be offered or kept in possession for sale by a retailer unless they have been graded and the containers thereof marked in accordance with the Canadian Egg Standards and, if imported, the name of the country of origin.

(2) Containers in which eggs are received by a retailer, shall be marked with the grade of the eggs contained therein in accordance with the Canadian egg standards, the number of the Registered Egg Grading Station or the name and address of the producer and, if imported, the name of the country of origin.

(3) All eggs in retail store premises, whether or not in view of the public, shall be deemed to be kept for sale.

56. Any advertisement in which eggs are offered for sale or distribution shall be deemed to be untrue, deceptive or misleading,

(a) if it fails to include prominently the grade designation according to the Canadian Egg Standards,

(b) if it includes any implication, representation or assertion that the eggs advertised are superior in condition or quality to that required, under the Canadian Egg Standards, for that particular grade,

(c) if any word or phrase denoting freshness of production is used as descriptive of eggs except those graded as Grade A or Grade A1, or

(d) if the words "New Laid" are used as descriptive of eggs other than those graded as Grade A1.

57. Any carton or card displayed in connection with eggs in a retail store shall be deemed to be an advertisement.

58. Any person who,

(a) as a wholesaler ships, transports, delivers or keeps eggs in a warehouse ready for delivery; or

(b) as a retailer offers or keeps eggs in his possession for sale or receives eggs,

shall, if the provisions of this Part have not been complied with in every respect, be guilty of an offence under these Regulations.

PART VI—SHIPMENT AND PURCHASE OF UNGRADED EGGS

59. Containers in which ungraded eggs are shipped or transported shall be marked on at least one end in block letters not less than three-quarters of an inch high with the words "Ungraded Eggs—For Shipment Only."

60. Registered Egg Grading Stations shall pay on a graded basis for all ungraded eggs purchased or received on consignment by them.

61. Eggs shall be deemed to have been purchased on a graded basis only if they are graded in accordance with the Canadian Standard Egg Grades and if a different price is paid for eggs graded into any of the compulsory or corresponding optional grades.

62. Operators of Registered Egg Grading Stations shall be responsible that bench reports in a satisfactory form, in English or French, are completed by the grader with respect to each lot of eggs graded by him.

63. (1) Operators of Registered Egg Grading Stations shall furnish to each seller or shipper of ungraded eggs, within seven days after receipt of such eggs, a grading report, in English or French, containing the following information on a printed form provided by them for the purpose:

Name and address of the operator of the Registered Egg Grading Station

Registered Egg Grading Station Number

Date of statement

Name and address of seller

Date of delivery

Number of dozens of eggs delivered

Amount and rate per dozen of any advance payment, whether in cash or other negotiable instrument, in merchandise or on account.....

Number of eggs graded into each grade

Price to be paid for each grade

(2) When any shipment of ungraded eggs received by a Registered Egg Grading Station is made up of eggs from more than one producer, suitably identified, the grading report furnished by the Registered Egg Grading Station to the shipper shall include details of the grading of the eggs from each individual producer.

(3) One copy of each Grading Report required by subsections (1) and (2) shall be retained by the Registered Egg Grading Station.

64. (1) First receivers shall pay or settle on a graded basis for all ungraded eggs received by them and shall furnish to the producer, within fourteen days after receipt of such eggs, a grading report, in English or French, showing the following information:

Name and address of first receiver
 Date of statement
 Name and address of producer
 Number of dozens of eggs delivered
 Date of delivery
 Amount and rate per dozen of any advance payment, whether in cash,
 merchandise or on account
 Number of eggs graded into each grade
 Price to be paid for each grade

(2) One copy of each such Grading Report shall be retained by the First Receiver.

65. First receivers who ship or deliver ungraded eggs to a Registered Egg Grading Station shall clearly identify the eggs from each individual producer in the shipment, either by packing them in separate containers or by placing each producer's eggs in a separate end of a case or in separate fillers or by packing and identifying them in some other satisfactory manner.

66. First receivers shall sell, ship or transport ungraded eggs only to a Registered Egg Grading Station.

67. Only Registered Egg Grading Stations may buy or receive ungraded eggs from a first receiver.

68. Advance payments in excess of eighty per centum of the total value of ungraded eggs computed at the price per dozen for Grade B eggs shown on the grading report shall not be made prior to final settlement by a first receiver or Registered Egg Grading Station.

69. Registered Egg Grading Stations and first receivers shall retain for a period of ninety days all forms and statements required to be made out by or furnished to them under these Regulations.

70. Any person who buys or receives ungraded eggs shall, unless the requirements of this Part have been complied with in every respect, be guilty of an offence under these Regulations.

Live Stock and Live Stock Products Act—The Frozen Egg Regulations

P.C. 590

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of February, 1949

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of section 34 of The Live Stock and Live Stock Products Act, 1939, 3 George VI, Chapter 47, is pleased to order as follows:

1. The Regulations Respecting the Grading, Marking and Shipment of Frozen Egg, established by Order in Council P.C. 1237 of 1st April 1947, are hereby revoked; and

2. The attached "Regulations Respecting the Grading, Marking, Inspection and Shipment of Frozen Egg" are hereby made and established in substitution to the Regulations hereby revoked.

A. M. HILL,

Asst. Clerk of the Privy Council.

Regulations Respecting the Grading, Marking, Inspection and Shipment of Frozen Egg

1. These Regulations may be cited as "The Frozen Egg Regulations".

Interpretation

2. In these Regulations,
 - (a) "Act" means the Live Stock and Live Stock Products Act, 1939;
 - (b) "frozen egg" includes frozen whole egg, frozen egg yolk and frozen egg whites, with or without added ingredients;
 - (c) "frozen egg whites" means the white, or albumen, of egg, separated from the yolk, with or without added ingredients, and frozen;
 - (d) "frozen egg yolk" means the yolk of egg, separated from the white, with or without added ingredients, and frozen;
 - (e) "frozen whole egg" means liquid egg with yolk and albumen mixed together, with or without added ingredients, and frozen;
 - (f) "Minister" means the Minister of Agriculture.

Canadian Standard Frozen Egg Grades

3. (1) The Canadian Standard Frozen Egg Grades are Grade A, Grade B and Grade C.

(2) Frozen egg shall be graded into the highest grade for which it qualifies and any frozen egg not so graded shall be deemed not to have been properly graded according to the Canadian Frozen Egg Standards.

4. (1) Frozen egg bearing the designation of a Canadian Standard Frozen Egg Grade shall be produced only from shell eggs which meet the requirements of any grade of the Canadian Standard Egg Grades. Eggs below the minimum grade shall not be used for the production of frozen egg bearing the designation of a Canadian Standard Frozen Egg Grade.

(2) Frozen egg bearing the grade designation "A" shall comply with the following:

- (a) There shall be no evidence of mould or foreign odour;
- (b) It shall be free from foreign matter and, for all practical purposes free from shell;
- (c) It shall be of smooth texture and well emulsified;
- (d) At time of analysis the total viable bacterial count, as determined by the method set forth in Schedule A, shall not exceed 2,500,000 per gram;
- (e) With respect to frozen egg whites, 127 grams subjected to a whipping test by the method set forth in Schedule B, shall give a foam volume of 800 cc.;
- (f) The minimum standards for egg solids, based on the official A.O.A.C. vacuum oven method, shall be as follows:
 - (i) for whole egg, 25.8 per cent
 - (ii) for egg yolk, 43 per cent
 - (iii) for egg whites, 11.5 per cent

(3) Frozen egg which does not meet the requirements for Grade A may be designated as Grade B provided it complies with the following:

- (a) There shall be no evidence of mould or objectionable odour. In the event of uncertainty as to the presence of such objectionable odour the product shall be submitted to bacterial test and shall be considered not to qualify for Grade B if the total viable bacterial count, as determined by the method set forth in Schedule A, exceeds 50,000,000 per gram;
- (b) It shall be free from foreign matter and shall contain not more than one-half of one per cent of shell by weight;

- (c) The minimum standards for egg solids based on the official A.O.A.C. vacuum oven method shall be as follows:
- (i) for whole egg, 24.5 per cent
 - (ii) for egg yolk, 40 per cent
 - (iii) for egg white, 10.5 per cent.

(4) Frozen egg which does not meet the requirements for Grade B may be designated as Grade C provided there is no evidence of mould or objectionable odour. In the event of uncertainty as to the presence of such objectionable odour the product shall be submitted to bacterial test and shall be considered not to qualify for Grade C if the total viable bacterial count, as determined by the method set forth in Schedule A, exceeds 50,000,000 per gram.

(5) Frozen whole egg, frozen egg yolk and frozen egg whites to which other ingredient or ingredients have been added shall comply with the requirements of this section, except that the percentage of solids shall be on the basis of actual egg meat and in analysing such products for solids allowance shall be made for the percentage of solids in the added ingredients.

5. Any frozen egg which is below the standard for Grade C, and any frozen egg produced from shell eggs classified as "rejects" under the Regulations Respecting the Grading, Packing and Marking of Eggs, shall be deemed to be below the minimum grade and unsuitable for human consumption. The container of such frozen egg shall have applied to it, on the side and on the lid, in indelible letters not less than an inch and one-half in height the words "NOT FOR HUMAN CONSUMPTION".

Canadian Standard Frozen Egg Breaking Premises and Equipment

6. (1) No person shall ship, transport, sell or offer, advertise or hold in possession for sale under a grade name established by these Regulations any frozen egg unless such frozen egg has been prepared in a Registered Egg Breaking Station.

(2) The Minister may, upon application therefor, issue a certificate of registration in respect of an egg breaking station if in his opinion such station complies with the following:

- (a) The premises are clean, sanitary, and equipped with adequate ventilation to remove objectionable odour;
- (b) The size and arrangement of the premises or room in which eggs are broken and packed are adequate for properly handling the product;
- (c) The floor, walls and ceiling of the breaking room are constructed in such manner as to permit thorough washing and cleaning;
- (d) The breaking room is to be used only for the purpose during the season when egg breaking is in operation and shall be separated by partitions from rooms used for any other purposes;
- (e) all windows and doors giving direct access to the breaking room are provided with screens, and doors are equipped with automatic closing devices;
- (f) Washrooms and toilets do not open directly into the breaking room and are equipped with odourless soap and paper hand towels;
- (g) All tables have a smooth metal top of monel metal or stainless steel and are constructed in such a manner as to facilitate efficient cleaning;
- (h) All liquid containers, including cups and buckets, are of an approved type, free from rough soldering, rusted spots, dents, open seams or other defects which make thorough cleaning difficult;
- (i) The breaking room is equipped with at least a three-section tank for washing, rinsing and sterilizing breaking utensils, and preferably with a four-section tank to provide a section for the rinsing of utensils before washing;

- (j) Proper sanitary equipment is provided for draining utensils after washing, which equipment shall be capable of holding, without nesting, all breaking trays, knives, cups and liquid egg pails;
 - (k) All overhead egg conveyers are installed in such a manner as to avoid any contamination of the egg meat;
 - (l) Filters or centrifugal clarifiers of an approved type are provided, through which all egg meats are to pass for the removal of shell and foreign matter; and
 - (m) Proper containers are provided for the disposal of rejected eggs.
- (3) The Minister may, for any cause that to him seems sufficient, refuse to issue a certificate in respect of any station.
- (4) The Minister may cancel a certificate if in his opinion the station does not comply with the requirements of these Regulations or if in his opinion the owner or operator of the station has violated or failed to comply with any of the provisions of the Act or of these Regulations.
- (5) Every certificate of registration issued under these Regulations shall, unless sooner cancelled, expire on the 31st day of December following the date of issue.
- (6) No operator of a Registered Egg Breaking Station shall pack any frozen egg which is not graded, packed and marked in accordance with these Regulations.

Canadian Standard Frozen Egg Plant Practice and Sanitation

7. Any person to whom a certificate of registration for a Registered Egg Breaking Premise has been issued shall comply with the following rules:
- (a) Equipment shall be washed by brushing in warm water containing washing compound, rinsed in clear water and immersed in sterilizing solution for at least one minute. A hypochlorite solution with a continuous minimum strength of 100 parts per million, or other approved sterilizing solution of equivalent strength, is to be used as a sterilizing solution;
 - (b) Each breaker shall be provided at the breaking table with disposable tissue for wiping hands. Cloth towels shall not be used for this purpose;
 - (c) Clean sterilized breaking equipment shall be provided each breaker when operations are commenced, after each recess and whenever an inferior egg is broken;
 - (d) Containers of rejected eggs shall be removed at least once every two hours from the breaking room. Such containers shall be washed before they are returned to the breaking room;
 - (e) Shell containers shall be of smooth metal construction, and the cleaning and disinfecting of shell containers and the disposal of shells shall be so arranged that at no time do they permit an offensive odour to enter the breaking room;
 - (f) At no time shall liquid egg containers be allowed to stand on the floor of the breaking room;
 - (g) All breaking room personnel shall wash their hands thoroughly with odourless soap (or the equivalent) and water each time they enter the breaking room and after breaking inedible eggs;
 - (h) No persons known to be afflicted with any infectious, contagious or communicable disease or who are carriers of such diseases shall be permitted to come into contact with egg breaking operations; and
 - (i) Liquid egg shall be frozen in clean sanitary premises, free from objectionable odours.

Canadian Standard Frozen Egg Containers

8. (1) Frozen egg shall be marked with the name of a Canadian Standard Grade and when for sale within Canada shall be packed in new, clean metal or paperboard containers.

(2) Frozen egg for export out of Canada shall be packed in such containers and in such a manner as may be prescribed by the Minister.

Canadian Standard Frozen Egg Markings

9. (1) Standard markings on containers of frozen egg shall consist of the following:

- (a) The words "Canadian Frozen Whole Egg" or "Canadian Frozen Egg Yolk" or "Canadian Frozen Egg Whites". These words may be on the lid or on the side of the container;
- (b) When other ingredient or ingredients have been added, the following wording shall appear immediately after the wording specified in paragraph (a)—"With approved percentage of added.....". The ingredient or ingredients added shall be shown after the word "added";
- (c) The word "Grade", followed by the letter of the grade, all to be in one line and all in letters of the same size and not less than three-quarters of an inch high, and on the side of the container;
- (d) The abbreviation "Reg. No." followed by the Registered Number of the premises in which the frozen egg is packed, all to be in one line and all in letters of the same size and not less than one-half of an inch high and on the side of the container; and
- (e) The words "Lot No." followed by a number or numbers to show the day, month and year of production, all in letters of the same size and all in one line.

(2) Markings on containers of frozen egg shall appear prominently on the container and if one or more containers are packed in a master container the markings prescribed shall appear on both inner and outer containers.

(3) The firm or brand name of the firm by which the frozen egg was prepared may appear anywhere on the container excepting only that no wording shall separate the wording prescribed in paragraphs (a) and (b). Such firm or brand name shall not be of a size or arrangement as to obscure the standard markings prescribed in subsection (1).

(4) Any person may indicate on a container of frozen egg a guaranteed minimum solids content, excepting only that such guaranteed figures shall not be lower than the minimum permitted by these Regulations for the grade with which the container is marked.

Sampling and Inspection

10. (1) At time of freezing or at time of storage an inspector shall select and mark at least one per cent of the containers of each days' production in each registered station.

(2) The containers selected and marked by an inspector as samples shall be stored in such a manner that the inspector may have ready access to them for sampling purposes and shall be kept so stored until the lot is shipped from storage. The sample or samples for each lot shall in all instances be frozen and stored in the same room as the remainder of the containers in that lot.

(3) Not later than one month after the date of being placed in storage, and by arrangement with the processor, the inspector shall draw from each container a sample for purposes of analysis; cores from not more than ten containers shall be combined to make up one composite analytical sample.

(4) At least two composite analytical samples shall be prepared covering each week's production.

(5) Samples of frozen egg shall be tested for solids by an inspector by means of a refractometer, all samples being tested in duplicate. Should the solids

be below the standard for the grade marked on the container, the processor may request the inspector to have the sample analysed for solids by the A.O.A.C. vacuum oven method at a laboratory approved by the Minister. The cost of such laboratory analysis shall be borne by the processor.

(6) Should any composite sample representing more than one day's production fall below the minimum standard for the grade under which the product was packed, the inspector shall, at the request of the processor, re-sample each day's production for separate analysis.

(7) Following completion of the analytical report, the District Office of the Poultry Products Inspection Service shall advise the processor of the lot numbers which have passed inspection as being of the grade represented.

(8) Should any lot of frozen egg, on inspection and analysis, be found to be of a lower grade than that designated on the containers, an inspector shall issue to the processor a Notice of Detention covering the lot to be regraded. The actual re-marking of the containers, or other steps to be taken in connection with the lot as set forth in the Notice of Detention, may be delayed until the lot can be conveniently reached in storage, but such lot shall not be shipped, delivered, or otherwise disposed of until Notice of Release has been issued by an inspector.

(9) The processor shall supply weekly to the District Office of the Poultry Products Inspection Service a statement showing:

- (a) The number of containers produced under each lot number during the week;
- (b) The total number of pounds each of frozen whole egg, frozen egg yolks and frozen egg whites produced during the week; and
- (c) The total number of cases of each grade of shell eggs broken during the week.

(10) When a processor desires to ship any quantity of frozen eggs, under certificate, he shall apply to a District Office of the Poultry Products Inspection Service for an inspection certificate, stating in such application the number of containers in each lot number to be included in the shipment.

(11) If the product to be shipped has been analysed, found to be of the grade represented, and if the analysis is still valid, the District Office of the Poultry Products Inspection Service shall issue an inspection certificate showing the number of containers of each lot number covered by the certificate. There shall be a charge for each such certificate in an amount to be designated by the Minister.

(12) A certificate of grade issued under these Regulations shall confirm only that, on the basis of the sample analysed, the frozen egg is of the grade designated on the container, and shall not be construed as certification that the frozen egg meets any figure of guaranteed solids designated on the container.

11. (1) Frozen egg imported into Canada for domestic consumption shall not be released from Customs until a Certificate of Release has been issued by an inspector.

(2) Any such imported egg shall be directed, under detention, to a Cold Storage warehouse, where a sample shall be drawn by an inspector. On conclusion of the inspection and analysis the inspector shall issue to the importer a statement of inspection and the importer shall cause the container to be marked as follows:

- (a) The words "Imported Frozen Whole Egg", or "Imported Frozen Egg Yolk" or "Imported Frozen Egg Whites", whichever is applicable, in letters not less than three-quarters of an inch high;
- (b) The word "Grade", followed by the letter of the grade, all in letters not less than three-quarters of an inch high; and
- (c) The words "Lot No." followed by a number to be designated by the inspector, all in letters not less than one-half inch high.

(3) When the conditions of the foregoing subsection have been complied with, the inspector shall issue a Notice of Release, which shall authorize the withdrawal of the imported frozen egg from storage.

Detention and Seizure

12. (1) An inspector may detain and place under detention any frozen egg which has been graded, packed, marked, shipped, transported or imported in violation of the Act or of these Regulations.

(2) The inspector shall attach to one or more containers in any lot placed under detention, a tag or label, which shall bear the words "Under Detention—Department of Agriculture".

(3) Immediately after placing any frozen egg under detention the inspector shall deliver or mail to the owner of the frozen egg or his agent a duly completed form of Notice of Detention. If such frozen egg is in premises other than those of the owner a copy of the Notice of Detention shall be given to the person in whose premises the frozen egg is located.

(4) The inspector shall designate in the Notice of Detention the premises to which any detained frozen egg shall be taken for correction.

(5) When an inspector is satisfied that any detained frozen egg complies with these Regulations he shall issue a duly completed form of Notice of Release. One copy of such notice shall be delivered to the owner or his representative and one copy to the person in possession of the frozen egg.

(6) Detention tags or labels shall not be removed from any container of frozen egg unless a Notice of Release covering such frozen egg has been issued by an inspector.

Shipment and Transportation

13. No person shall ship or transport, within the meaning of those terms under the Act, any frozen egg unless it is graded, packed and marked in accordance with these Regulations and unless it has been prepared in a Registered Egg Breaking Station.

14. No person shall ship or transport any frozen egg below the minimum grade, unless such frozen egg is marked in accordance with the provisions of section 5.

15. No person shall export any frozen egg from Canada unless such frozen egg meets the requirements for Grade A under these Regulations and unless it has been inspected and a Certificate of Inspection relative thereto has been issued by an Inspector.

SCHEDULE A

Determination of Plate Count on Frozen Egg

Thaw the sample by placing the container in water at not over 45° C., and shaking at frequent intervals. When completely thawed, shake vigorously 100 times with up-and-down excursions of about 1 ft. during a 45 second interval. Pipette 11 ml. into a dilution blank containing 99 ml. of physiological saline. Use this 1:10 dilution to prepare further decimal dilutions as required. Prepare duplicate plates from the appropriate dilutions and pour with the standard milk agar (tryptone glucose extract agar). Incubate at 32° C. for 72 hours. Count all visible colonies. Multiply the average count from plates with between 30 and 300 colonies by the dilution employed and express as the plate count per gram of product.

SCHEDULE B

Determination of Foam Volume—Frozen Egg Whites

Place 4½ ounces (127.3 grams) defrosted whites in a 5 quart size mechanical mixer. Whip for five minutes at second speed. Add gradually 4½ ounces of icing sugar or pulverized sugar. Whip at same speed for seven minutes. Transfer foam into 1,000 cc. graduated cylinder, and measure.

**Live Stock and Live Stock Products Act—Regulations with respect to
Hog Carcass Grading**

P.C. 5296

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 18th day of October, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of The Live Stock and Live Stock Products Act, 1939, is pleased to order as follows:

1. The Regulations with Respect to Hog Carcass Grading established by Order in Council P.C. 4933 of 3rd December, 1947, as amended, are hereby revoked; and

2. The annexed "Regulations with Respect to Hog Carcass Grading" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,

Clerk of the Privy Council.

Regulations with Respect to Hog Carcass Grading

1. In these Regulations,

- (a) "Act" means Live Stock and Live Stock Products Act, 1939;
- (b) "establishment" means any abattoir, packing house or other premises where three thousand or more hogs are slaughtered in any one year;
- (c) "Grading Certificate" means the certificate issued by an inspector under these Regulations;
- (d) "packer" means any person who operates an establishment or who causes hogs to be slaughtered for his own account at an establishment;
- (e) "shipper" means any person who, on his own account or as agent for any other person, ships or transports hogs by any means of transportation to an establishment or stockyard for slaughter;
- (f) "Veterinary Inspector" means an inspector under the Meat and Canned Foods Act.

2. All carcasses of hogs slaughtered at an establishment shall be graded in accordance with the following grades:

Standards for Grades of Hog Carcasses

(a) *Weight ranges and carcass measurements.*

(i) Grade "A"		Class 1		
Weight		140 to 170 pounds		
Minimum length		29 inches		
Maximum shoulder fat		2 inches		
Maximum loin fat		1½ inches		
(ii) Grade "B"		Class 1	Class 2	Class 3
Weight		135 pounds or over but not over 175 pounds	125 pounds or over but under 135 pounds	Over 175 pounds but not over 185 pounds
Minimum Length		28 to 29 inches acc. to weight	27 inches	30 inches
Maximum Shoulder Fat		2 to 2¾ inches acc. to weight	2 inches	2¾ inches
Maximum Loin Fat		1½ to 2 inches acc. to weight	1½ inches	2¾ inches

(iii) *Grade "C"*

Weight —120 pounds or over but not over 185 pounds

Maximum Shoulder Fat— $2\frac{1}{4}$ to $3\frac{1}{4}$ inches according to Weight.

Maximum Loin Fat — $1\frac{3}{4}$ to $2\frac{1}{2}$ inches according to Weight.

(iv) *Grade "D"*

Weight—120 pounds or over but not over 185 pounds, and unfinished, rough, soft or oily carcasses of any weight.

(v) Lights—weight under 120 pounds.

(vi) Heavies—weight over 185 pounds but not over 195 pounds.

(vii) Extra Heavies—weight over 195 pounds.

(viii) Physical Injury—all weights.

(ix) Ridglings—all weights.

(x) Stags—all weights.

(xi) Sows—Class 1—all weights:

Sows—Class 2—all weights.

(xii) Rejected or Condemned Carcasses shall be graded in accordance with the above grades, and in addition shall be shown separately on the Grading Certificate as Rejected or Condemned.

(b) *Grade Standards*(i) *Grade "A"*

Grade "A" carcasses shall be of best quality.

Shoulder—Shall be balanced in weight in relation to the ham.

Belly—Thick and of even width throughout, with full flank.

Ham—Full fleshed, evenly covered with fat, of good shape.

Back—Fat firm and of even thickness within variation allowed.

Quality—Fat firm and white with proper balance of fleshing and fat in carcass throughout. Skin shall be smooth and show no evidence of dark hair roots or pigment.

(ii) *Grade "B"*

Grade "B" carcasses may vary from Grade "A" in any weight class as follows:

(A) *Class 1 and 3*

Shoulder—Slightly heavy or slightly fat.

Belly—Slightly thin or fat or wide.

Ham—A little thin or slightly fat.

Back—Fat slightly uneven on back or slightly deficient or a little overfat throughout the carcass.

Quality—Fat a little soft or somewhat out of balance between lean or fat.

(B) *Class 2*

Shoulder—Slightly heavy.

Belly —Thin or uneven.

Ham —A little thin.

Back —Fat slightly uneven on back or slightly deficient.

Quality —Fat a little soft.

(iii) *Grade "C"*

Grade "C" carcasses shall be well finished and of good quality of fleshing, but may vary from Grade "B" by including a greater degree of fat to lean, softness and unevenness of fat, heaviness of shoulder, and roundness of rib.

(iv) *Grade "D"*

Grade "D" carcasses may contain overfat, unfinished, rough, soft or oily carcasses.

(v) *Lights*

The grade Lights shall include all carcasses of reasonable finish and quality within the prescribed weights, but shall not include thin or underfinished carcasses.

(vi) *Heavies*

The grade Heavies shall include all carcasses of reasonable finish and quality within the prescribed weights, but shall not include thin or underfinished carcasses.

(vii) *Extra Heavies*

The grade Extra Heavies shall include all carcasses of reasonable finish and quality within the prescribed weights, but shall not include thin or underfinished carcasses.

(viii) *Physical Injury*

Carcasses that have suffered serious physical damage shall be graded Physical Injury.

(ix) *Ridglings*

Carcasses from ridgling pigs shall be graded Ridglings.

(x) *Stags*

Carcasses from boars that have been castrated and healed shall be graded Stags.

(xi) *Sows*

Carcasses that are rejected or condemned by the Veterinary graded Sows as follows:

(A) Class 1: Carcasses of good fleshing throughout;

(B) Class 2: Carcasses that are overly fat or very thin.

(xii) *Rejected or Condemned*

Inspector on account of disease shall be graded Rejected or Condemned.

(c) *Method of Measurement*

(i) Measurement for the length of the carcass shall be taken from the front edge of the first rib to the inside of the aitch bone;

(ii) Fat measurements shall be taken as follows:

Maximum shoulder—At the point of maximum fat thickness on the shoulder, except for any small fat infiltration into the lean.

Maximum loin—At the point of maximum fat thickness on the loin between the last rib and the tail;

(iii) Carcass weights shall be "Warm Weights", including the head, leafard, the tongue, kidneys, tenderloins, tail, backbone and feet; and

(iv) Whip marks, scratches, and bruises shall not be a factor in determining grade except those graded as serious physical damage.

3. The Minister may assign an inspector to any establishment to grade or inspect the grading of all hog carcasses in accordance with these regulations.

4. An inspector shall sign and issue Grading Certificates with respect to all hog carcasses graded under these Regulations and no person other than an inspector shall sign a Grading Certificate.

5. No person shall use a Grading Certificate as a basis of settlement for hog carcasses other than those in respect of which it was issued.

Carcasses of females that have raised one or more litters shall be

6. (1) Every shipper shall place a distinct and specific tattoo mark of identity approved by the Minister, on each hog of each producer's lot shipped or transported by the shipper to an establishment.

(2) No person shall ship, transport or deliver to an establishment any hogs that do not carry a tattoo mark of identity approved by the Minister.

7. (1) Every shipper shall make out and sign a manifest on a form prescribed by the Minister showing each producer's name, address, number of hogs and their mark of identity, and shall cause the said manifest to be delivered to the inspector at the establishment at which such hogs are to be slaughtered within twenty-four hours after their arrival.

(2) Every person who ships, transports or delivers to an establishment any hogs shall within twenty-four hours after their arrival at the establishment deliver or cause to be delivered to the inspector at the establishment a manifest by means of which, in conjunction with the mark of identity on the hogs, the name and the address of the producers from whom the hogs were obtained can be identified.

8. Every shipper shall make out or cause to be made out at the time of settlement, a statement for each producer's lot of hogs which shall show:

- (a) name and address of the producer;
- (b) date of receipt;
- (c) total number of carcasses;
- (d) number of carcasses in each grade;
- (e) total weight or weight of each grade;
- (f) the price paid per pound for each grade or price differential per carcass for each grade;

and the shipper shall furnish one copy of this statement to the producer, and shall retain one copy thereof for inspection or reference for a period of ninety days.

9. All hogs purchased or sold by a shipper or purchased by a packer shall be purchased and sold on the basis of the grade shown on the Grading Certificate with price differentials between grades; the buyer or seller, as the case may be, in accordance with common trade practice, shall make out an invoice or statement for each lot of hog carcasses sold or purchased which invoice or statement shall show

- (a) name and address of the buyer and seller;
- (b) date of receipt or delivery;
- (c) total number of carcasses;
- (d) number of carcasses in each grade;
- (e) total weight or weight of each grade;
- (f) price paid per pound for each grade or price differential per carcass for each grade.

One copy of such invoice or statement shall be retained for inspection or reference for a period of ninety days.

10. Any hog carcass having thereon a tag marked "hold for grading" shall be held by the owner or operator of the establishment until such tag has been removed by an inspector.

11. No person shall, without the authority of an inspector, remove a "hold for grading" tag from any carcass.

12. Whenever an inspector is of opinion that these Regulations have been violated with respect to any hogs in an establishment

- (a) he may place the hogs or carcasses under detention and thereafter no person shall remove the hogs or carcasses from the establishment without the permission of an inspector;
- (b) he may withhold issue of the Grading Certificates in respect of such hogs until he is satisfied that the provisions of these Regulations have been observed with respect to those carcasses.

13. Every establishment shall be equipped with proper facilities for the efficient grading of hog carcasses; weighing equipment and weighmasters shall be subject to the approval of the Minister.

14. The owner or operator of every establishment shall provide suitable office accommodation for the exclusive use of inspectors for issuing Grading Certificates, and conducting the required business of the Department of Agriculture.

15. The owner or operator of every establishment shall provide a sufficient number of efficient helpers to assist the inspector in the performance of his duties.

16. The owner or operator of an establishment shall make reasonable arrangements respecting hours of work and other details for the mutual convenience of the establishment and the inspectors.

**Live Stock and Live Stock Products Act—Regulations respecting the
GRADING OF LAMB AND MUTTON CARCASSES**

P.C. 4932

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 3rd day of December, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS under authority of the Live Stock and Live Stock Products Act, 1939, regulations respecting the Grading of Lamb Carcasses were made by Order in Council P.C. 2064 of July 27, 1939;

AND WHEREAS such regulations provide only four grades for lamb carcasses, and do not provide grades for mutton carcasses, nor for the branding of lamb and mutton;

AND WHEREAS it is now deemed advisable, in the interests of the sheep industry, to provide five grades for lamb carcasses, to establish grades for mutton carcasses, and also to provide for the branding of lamb and mutton to indicate quality to the consumer;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of the Live Stock and Live Stock Products Act, 1939, is pleased to order as follows:

1. The Regulations respecting the Grading of Lamb Carcasses, established by Order in Council, P.C. 2064 of July 27, 1939, are hereby revoked effective December 31, 1947; and
2. The attached revised and amended "Regulations respecting the Grading of Lamb and Mutton Carcasses" are hereby made and established effective December 31, 1947, in substitution for the regulations hereby revoked.

A. D. P. HEENEY,
Clerk of the Privy Council.

Regulations Respecting the Grading of Lamb and Mutton Carcasses

1. In these Regulations, unless the context otherwise requires,
 - (a) "Act" means the Live Stock and Live Stock Products Act, 1939;
 - (b) "carcass" means a lamb or mutton carcass;
 - (c) "establishment" means any abattoir, packing house or other premises in which lambs or sheep are slaughtered;

- (d) "lamb carcass" means the carcass from an animal of the ovine species, of either sex, up to approximately twelve months of age, having four well defined, relatively soft ridges at the break joint of the forelegs;
- (e) "mutton carcass" means the carcass from an animal of the ovine species, of either sex, being approximately twelve months of age, or more, having two smooth hard white ridges where the feet are severed at the ankle (spool) joint, and bones somewhat whiter and harder than those in lamb carcasses;
- (f) "Veterinary Inspector" means an inspector under the Meat and Canned Foods Act;
- (g) "brand" means any mark or stamp that may be applied to lamb or mutton to indicate the quality thereof, or that might be construed as indicating the quality thereof.

Definitions of Grades

2. (1) The prescribed grades for lamb carcasses shall be as follows:

- (a) Grade A: Carcasses having excellent conformation, finish and quality, being relatively short and compact, with short plump legs, broad thick backs, thick full loins, ribs and chucks, and short plump necks; loins, ribs, legs and shoulders well covered but not excessively fat;
- (b) Grade B: Carcasses having good conformation, finish and quality; well proportioned and reasonably plump; loins, ribs, legs and shoulders moderately well covered but not excessively fat;
- (c) Grade C: Carcasses having fair conformation, finish and quality, somewhat rangy and angular in conformation, having at least a moderately light fat covering, which may be unevenly distributed; may include over-finished carcasses;
- (d) Grade D: Carcasses having poor conformation, finish and quality but having at least some traces of exterior fat covering; may include excessively over-finished carcasses;
- (e) Grade E: Culls:
 - (i) Lamb carcasses lacking in finish, quality and general conformation so as not to qualify for Grades A, B, C, or D;
 - (ii) Lamb carcasses having serious physical injury;
 - (iii) Lamb carcasses having definite spear-grass infestation;
 - or
 - (iv) Lamb carcasses that are coarse and lacking in quality.

(2) Carcasses from male lambs that have not been castrated, shall, in any case, be graded in accordance with the prescribed grades, but when proof of the condition is evident to the grader, such carcasses shall also be designated separately on the grading certificate as "Bucks."

(3) Grades A, B, C, and D shall each be subdivided into classes according to weight as follows:

- (a) Class 1: Lamb carcasses weighing not more than 46 pounds;
- (b) Class 2: Lamb carcasses weighing more than 46 pounds and not more than 51 pounds;
- (c) Class 3: Lamb carcasses weighing more than 51 pounds and not more than 56 pounds; and
- (d) Class 4: Lamb carcasses weighing more than 56 pounds.

3. (1) The prescribed grades for mutton carcasses shall be as follows:

- (a) Grade A: Carcasses having excellent conformation, finish and quality, with short, plump legs, thick loins and ribs, fully fleshed shoulders, and thick breasts; a smooth well distributed fat covering, interior fats plentiful; all fats cream coloured and brittle, but not excessive or patchy;

- (b) Grade B: Carcasses having good conformation, finish and quality; well proportioned and reasonably plump, a fairly uniform fat covering, which may be slightly deficient or slightly excessive, but not extremely fat or patchy;
 - (c) Grade C: Carcasses having fair conformation, finish and quality; may be comparatively narrow, lengthy and angular; having some fat covering over the back, loins, and rump;
 - (d) Grade D: Carcasses having poor conformation, finish and quality; narrow, thinly fleshed, and lacking in finish; bone white and flinty, flesh coarse, soft, or flabby;
 - (e) Grade E: Carcasses that are excessively over-fat;
 - (f) Grade M: Culls: Carcasses of extremely poor finish and quality, usually from old and emaciated ewes; bones prominent; flesh coarse, flabby and watery. This grade shall also include carcasses having serious physical injury;
 - and
 - (g) Bucks: Carcasses of mature, male sheep.
- (2) Grades A, B, C, D, and E shall each be subdivided into classes according to weight as follows:
- Grades A, B, C, and D:
- Class 1—Carcasses weighing not more than 70 pounds;
 - Class 2—Carcasses weighing more than 70 pounds and not more than 85 pounds;
 - Class 3—Carcasses weighing more than 85 pounds;
- Grade E:
- Class 1—Carcasses weighing not more than 100 pounds;
 - Class 2—Carcasses weighing more than 100 pounds and not more than 125 pounds;
 - Class 3—Carcasses weighing more than 125 pounds.

Grading for Settlement to Producers

4. (1) Carcasses that have been rejected or condemned by a Veterinary Inspector shall be graded in accordance with the prescribed grades, and in addition shall be shown separately on the Grading Certificate.
- (2) All weights shall be warm dressed weights, carcasses having the pelt, head, feet, stomach, intestines, and pluck removed, but including the kidneys and kidney fat.
- (3) Bruises and marks shall not be a factor in grading except in cases of serious physical injury.
5. The Minister may authorize a lamb and mutton grading service for an establishment and may assign an inspector to the establishment if in the opinion of the Minister the establishment has adequate facilities for the proper and efficient grading and weighing of carcasses and a sufficient volume of carcasses are required to be graded.
6. Where a grading service is available at an establishment, carcasses may, at the option of the buyer and the seller, be graded in accordance with the prescribed grades.
7. When an inspector grades carcasses he shall sign and issue a Grading Certificate that shall show the kind and number of carcasses in each grade and class in each lot.
8. When lambs or sheep are offered for carcass grading the consignor shall identify, or cause to be identified, each animal with a specific mark of identity approved by the Minister.
9. When offering sheep or lambs for carcass grading the consignor or his agent shall make out and sign a manifest showing the name and address of the producer from whom each lot of animals was obtained, the number of animals

in the lot and their respective marks of identity; and he shall cause the manifest to be delivered to the inspector at the establishment to which the animals are consigned within twenty-four hours after the arrival of the animals at the establishment.

Branding for Consumer Trade

10. Carcasses may be branded at the option of the operator of the establishment, subject to the following:

- (a) only carcasses that bear the Inspection Legend as required under the Meat and Canned Foods Act may be branded under these Regulations;
- (b) only carcasses that have been graded and stamped by an Inspector may be branded under these Regulations, and any brand applied to such carcasses shall be in conformity with the Inspector's stamp thereon;
- (c) no person shall apply any brand to any lamb or mutton unless the use of such brand has been authorized by the Minister;
- (d) the operator of any establishment who desires to apply a brand on lamb or mutton graded under these Regulations may apply to the Minister for authority to use such brand or brands;
- (e) the Minister may, for any cause that to him seems sufficient, revoke any authority given by him under paragraph (c) of this section.

11. (1) Brands shall conform to a type approved by the Minister, and shall be applied to the outside surface of the carcasses, with indelible ink, in such a manner as may be prescribed by the Minister, so as to afford maximum identification of quality after the carcasses have been cut.

(2) All brands on "Grade A" carcasses shall be applied with red indelible ink, all brands on "Grade B" carcasses shall be applied with blue indelible ink, and brands on carcasses of the other prescribed grades shall be applied as required by the Minister from time to time.

Penalties

12. (1) Nothing in these Regulations shall be construed to require carcasses to be graded or branded.

(2) Every person who grades or brands lamb or mutton carcasses shall grade or brand the carcasses in accordance with these Regulations.

(3) No person shall sell or offer, advertise or hold in possession for sale any lamb or mutton carcasses under a grade name established by these Regulations unless the carcasses were graded in accordance with these Regulations.

(4) No person shall, by means of a brand or otherwise, apply to any lamb or mutton carcasses that were not graded under these Regulations and no person shall use in association with such carcasses any grade name or other designation so closely resembling a grade name established by these Regulations that it is likely to be mistaken therefor.

DEPARTMENT OF AGRICULTURE

Under and by virtue of authority provided in the Live Stock and Live Stock Products Act, 1939, and in accordance with the provisions of the Regulations respecting the grading and branding of beef, Section 6, and the Regulations respecting the branding of lamb and mutton, Section 11, the following brands are hereby prescribed by the undersigned:—

Grade A—The letter A and the word CHOICE in red ink.

Grade B—The letter B and the word GOOD in blue ink.

Grade C—The letter C and the word COMCL in brown ink.

Grade D—The letter D and the word UTILITY in brown ink.

In addition the brand for lamb shall include the word LAMB.

The brand for beef shall be in the form of a ribbon mark approximately one inch wide, with the grade letter and the grade name alternating and recurring.

The brand for lamb shall be in the form of a ribbon approximately three-eighths inch wide with the grade letter, the grade name, and the word LAMB recurring in succession.

The brand for mutton shall be in the form of a ribbon approximately three-eighths inch wide with the grade letter and the grade name alternating and recurring.

These brands for beef, lamb, and mutton shall be known as the National Brands for Meats and are the brands prescribed to designate the carcass grades as defined under the Live Stock and Live Stock Products Act, 1939.

(Signed) Ernest Bertrand,
Acting Minister of Agriculture.

Department of Agriculture
Ottawa, August 2, 1949

Live Stock and Live Stock Products Act—Regulations re Canned Poultry
P.C. 589

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of February, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of section 34 of The Live Stock and Live Stock Products Act, 1939, 3 George VI, chapter 47, is pleased to order as follows:

1. The Regulations respecting the packing, grading and marking of canned poultry established by Order in Council P.C. 3751 of 6th May, 1943, as amended, are hereby revoked; and
2. The attached "Regulations Respecting the Packing, Grading and Marking of Canned Poultry" are hereby made and established in substitution for the Regulations hereby revoked.

A. M. HILL,
Asst. Clerk of the Privy Council.

Regulations Respecting the Packing, Grading and Marking of Canned Poultry
Related Acts:

THE FOOD AND DRUG ACT (Revised Statutes of Canada, 1927, Chapter 76) and Regulations thereunder; and

THE MEAT AND CANNED FOODS ACT (Revised Statutes of Canada, 1927, Chapter 77) and Regulations thereunder, shall in so far as they may apply to the use of meat for canning, apply to and be enforced in conjunction with these Regulations.

Application of Regulations

1. These Regulations shall apply to the entire output of canned poultry of establishments or registered stations in which poultry is canned in accordance with these Regulations.

2. In these Regulations, unless the context otherwise requires:

- (a) "Act" means the Live Stock and Live Stock Products Act, 1939;
 - (b) "Minister" means the Minister of Agriculture;
 - (c) "Inspector" means an official designated as an inspector by the Minister under authority of the Act or of THE FOOD AND DRUGS ACT or THE MEAT AND CANNED FOODS ACT, or Regulations thereunder;
 - (d) "broth" means that liquid only which is produced in the cooking of poultry for canning under the specifications prescribed in these Regulations;
 - (e) "Canadian Standards for Canned Poultry" means the kinds and grades of canned poultry prescribed in these Regulations;
 - (f) "canned poultry" means the edible portion of meat from which the skin and bones have been removed, cooked, packed and sterilized in hermetically sealed containers;
 - (g) "drawn" means poultry which has had the head, the legs at hock joints, and all entrails completely removed;
 - (h) "cleaned" means poultry which has been drawn and which has had all traces of entrails and extraneous material removed;
 - (i) "gelatin" includes agar-agar;
 - (j) "jelly" means broth to which a gelatin substance has been added, as prescribed in these Regulations, to form a jellied pack on cooling;
 - (k) "label" means any printed, embossed or lithographed design, label, tag, sticker, seal, wrapper, stencil, material or receptacle upon which are shown the requirements of section 14 of these Regulations;
 - (l) "open pre-cooked" means cooked with added water as prescribed in these Regulations, in an open vessel provided with a suitable lid;
 - (m) "pre-cooked" means cooked prior to packing in containers;
 - (n) "pressure pre-cooked" means cooked under pressure as prescribed in these Regulations;
 - (o) "prescribed" means prescribed by the Act or these Regulations;
 - (p) "specific gravity" as applied to meat broth, means the amount of solids present in a definite volume of the liquid broth (e.g. ounces per gallon);
 - (q) "jellied pack" means that the solid meat content of containers is not more than fifty-five per centum (55%) and not less than 50 per centum (50%) by weight of the final pack;
 - (r) "solid pack" means that the solid meat content of containers is not less than seventy-five per centum (75%) by weight of the final pack.
3. (a) Compliance with the Act and these Regulations when applied to canned pre-cooked poultry shipped, transported, offered or had in possession for sale, purchased or sold, shall be obligatory with respect to:
- (i) Procedure in pre-cooking and canning.
 - (ii) Grades.
 - (iii) Premises and equipment.
 - (iv) Labels and markings.
- (b) The name, grade, mark, colour or other designation prescribed in these Regulations applied on any container of canned pre-cooked poultry shall constitute a representation that the product has been pre-cooked, packed, graded and marked as required by these Regulations.

Registration

4. (1) Poultry may be canned and marked in accordance with these Regulations only in premises with respect to which a certificate of registration as a registered poultry canning station has been issued by the Minister or in establishments that have been registered under the Meat and Canned Foods Act.

(2) Every person desiring to operate premises for canning poultry according to these Regulations and whose premises are not already registered as an

establishment under the Meat and Canned Foods Act shall apply annually to a district office of the Poultry Products Inspection Service, on a form provided for that purpose, for a certificate of registration of each of such premises as a registered poultry canning station. Such application shall be made two months in advance of the date when it is desired to commence operations.

(3) A certificate of registration may be issued to a poultry canning station only when the station is equipped, operated and maintained as set out in section 5 of these Regulations.

(4) Each registered poultry canning station shall be allotted a number for use as herein prescribed.

(5) Certificates of registration shall not be assignable and shall expire on the 31st of March of each year.

(6) Certificates of registration and registration may be suspended or cancelled by the Minister for violation of any provision of the Act or of these Regulations.

Equipment and Operation

5. (1) All premises where poultry is canned according to these Regulations shall be:

- (a) equipped with an immersion thermometer and hydrometer for determining the solids in the broth (specific gravity) used for canning;
- (b) equipped with scales for weighing poultry meat before and after canning;
- (c) equipped with suitable cooking vessels and retorts;
- (d) equipped with can closing and sealing machines;
- (e) equipped with adequate cooling facilities;
- (f) equipped with suitable tables for boning, slicing and packing meat;
- (g) clean, sanitary, adequately lighted and ventilated.

(2) All premises where poultry is canned according to these Regulations shall comply with the following requirements:

- (a) all rooms used for killing and plucking poultry shall be properly separated from those used for pre-cooking and canning;
- (b) no metal equipment or apparatus coming in direct contact with poultry meat or broth shall be used unless approved by the Minister;
- (c) knives, instruments and equipment coming in contact with poultry meat during the course of canning shall be regularly cleaned and sterilized;
- (d) all employees while working shall wear suitable coverings for their clothing and such coverings shall be kept fresh and clean;
- (e) outside doors and windows shall be screened to prevent the entrance of insects;
- (f) dressing rooms and lavatory accommodation for employees shall be adequate, sanitary and fully equipped with direct outside light and ventilation, and shall be entirely apart from any room used for the storing or production of canned poultry;
- (g) accurate information regarding receipts, sales and shipments of poultry, canned or otherwise, and the quantity of poultry on hand at any time, shall be furnished to the Inspector upon request.

Canadian Standards for Canned Poultry

6. (1) The Canadian Standards for Canned Poultry apply only to those products prepared exclusively from any one of the kinds of poultry defined in the Canadian Standards for Dressed and Eviscerated Poultry (Regulations Respecting the Grading and Marking of Dressed and Eviscerated Poultry), namely, chickens, fowl, turkeys, ducks, geese, pigeons or guineas, and no ingredients other than those permitted by these Regulations shall be used in the preparation of such products.

(2) Notwithstanding the provisions of subsection (1) hereof, it shall be permissible to pack chicken meat and fowl meat together in the same container, but every such container shall be labelled "Boneless Poultry Meat".

Factors Determining Grades for Canned Poultry

7. The following factors shall be considered in the grading of canned poultry:

- (i) Quality of meat;
- (ii) Quality of liquid broth and jelly;
- (iii) Flavour of meat or broth;
- (iv) Appearance of final pack.

Grade Designations

8. The grade designations for pre-cooked canned poultry in jellied pack and solid pack shall be Grade 1 and Grade 2.

Definitions of Grades for Jellied Pack and Solid Pack

9. (1) (a) Grade 1 shall be produced from poultry not lower in quality than Grade B as defined in the Canadian Standards for Dressed Poultry. Poultry having sufficient fat and flesh to qualify for the higher grades but which have been degraded because of tears, pin feathers, blisters or crooked breast bones may be included in Grade 1 but such blisters and the skin surrounding such blisters must be removed before cooking.
- (b) In jellied pack, the solid meat content of containers shall constitute not more than fifty-five per centum (55%) and not less than fifty per centum (50%) by weight of the final pack, and in solid pack, the solid meat content of containers shall constitute not less than seventy-five per centum (75%) by weight of the final pack; the remaining space in each container shall be filled with broth as herein prescribed.
- (c) The broth used in Grade 1 pre-cooked canned poultry shall be the liquid in which such poultry has been cooked.
 - (i) In pressure pre-cooked jellied pack, the broth shall have a content of solids of not less than 9 ounces per gallon, corresponding to a specific gravity of not less than 1.010 at 50° C. or 122° F.
 - (ii) In pressure pre-cooked solid pack, the broth shall be added to the can without dilution and the solids content of such broth shall not be less than 9 ounces per gallon, corresponding to a specific gravity of not less than 1.010 at 50° C. or 122° F.
 - (iii) In open pre-cooked jellied pack, the broth shall have a content of total solids of not less than 4.5 ounces per gallon, corresponding to a specific gravity of not less than 1.000 at 50° C. or 122° F.
 - (iv) In open pre-cooked solid pack, the broth shall be added to the can without dilution and the solids content of such broth shall not be less than 4.5 ounces per gallon, corresponding to a specific gravity of not less than 1.000 at 50° C. or 122° F.
- (d) Not more than 3 per centum by weight of gelatin shall be added to the hot broth before filling the containers.
- (e) Not more than 7 ounces of salt, 4.4 per centum may be added to each gallon of broth prior to filling cans. The salt used shall be purified technical sodium chloride.
- (f) The white and dark meat shall be distributed and packed so that the container shall contain the natural yield of poultry being packed.
- (g) Grade 1 shall have a flavour typical of the quality of poultry used, such as is obtained by cooking and packing as herein prescribed. A flat flavour or any off flavour shall disqualify the product for this grade.
- (2) (a) Grade 2 shall be produced from poultry not lower in quality than Grade C as defined in the Canadian Standards for Dressed Poultry. Poultry which does not qualify for Grade C because of extremely

crooked keel bones, large tears, breast blisters or discoloration from pin feathers may be used in the production of this grade. All breast blisters shall be removed before cooking.

- (b) In jellied pack, the solid meat content of containers shall constitute not more than fifty-five per centum (55%) and not less than fifty per centum (50%) by weight of the final pack and, in solid pack, the solid meat content of containers shall constitute not less than seventy-five per centum (75%) by weight of the final pack. The remaining space in each container shall be filled with broth as herein prescribed.
- (c) The broth used in Grade 2 of pre-cooked canned poultry shall be the liquid in which such poultry has been cooked.
 - (i) In pressure pre-cooked jellied pack, the broth shall have a content of total solids of not less than 9 ounces per gallon, corresponding to a specific gravity of not less than 1.010 at 50° C. or 122° F.
 - (ii) In pressure pre-cooked solid pack, the broth shall be added to the can without dilution and the solids content of such broth shall not be less than 9 ounces per gallon, corresponding to a specific gravity of not less than 1.010 at 50° C. or 122° F.
 - (iii) In open pre-cooked jellied pack, the broth shall have a content of total solids of not less than 4.5 ounces per gallon, corresponding to a specific gravity of not less than 1.000 at 50° C. or 122° F.
 - (iv) In open pre-cooked solid pack, the broth shall be added to the can without dilution and the solids content of such broth shall not be less than 4.5 ounces per gallon, corresponding to a specific gravity of not less than 1.000 at 50° C. or 122° F.
- (d) Not more than 3 per centum by weight of gelatin shall be added to the hot broth before filling the containers.
- (e) Not more than 7 ounces of salt, 4.4 per centum may be added to each gallon of broth prior to filling cans. The salt used shall be purified technical sodium chloride.
- (f) The white and dark meat shall be distributed and packed so that the container shall contain the natural yield of poultry being packed.
- (g) Grade 2 shall have a flavour typical of the quality of poultry used, such as is obtained by cooking and packing as herein prescribed. Lack of flavour may result in the rejection of the product for grading purposes.
- (3) (a) Specific gravity as herein prescribed for the grades of canned poultry applies to the solids required in the broth before salt or gelatinizing substance has been added and before retorting.
- (b) After the addition of a gelatinizing agent and salt, and after the retorting of the packed and sealed cans, the specific gravity of the separated broth shall be not less than 1.020 at 122° F. for open pre-cooked packs, and 1.025 at 122° F. for pressure pre-cooked packs.
- (c) Specific gravity shall be determined by means of an approved type of precision hydrometer.

Pre-Cooking Procedures

10. (1) For pressure pre-cooking, the cooking shall be done in a suitable closed steam jacketed kettle capable of operation at a pressure of 15 lbs. per square inch. The poultry shall be placed in the inner vessel with a quantity of water not to exceed one quart of water for each 25 lbs. The steam shall be applied to the outer jacket only to maintain a temperature of not less than 240° F. (10 lbs. steam pressure) after venting air from the inner vessel. For pressure pre-cooking such apparatus and methods approved by the Minister shall only be used.

(2) For open pre-cooking, the cooking shall be done in open kettles provided with suitable lids.

Sizes and Types of Containers

11. The types of containers shall be as follows:

- (a) Glass containers—which can be hermetically sealed and which fulfil the requirements under the Food and Drugs Act for this type of container, may be used for canning poultry.
- (b) Metal container—which shall be of standard quality of material and workmanship and shall be suitably enamelled over the entire inner surface with a lacquer suitable for the canning of meat products. This lacquer must be applied by an approved method. Such containers shall be provided with a separate lid the inner surface of which shall be lacquered as above, and provided with a standard gasket for sealing. All containers used shall meet the requirements for this type of container under the Food and Drugs Act. The sizes of containers and packing weights shall be as provided by section 12.

Containers

12. (1) Glass containers: The net weight to be packed in glass containers shall be 7 and 16 oz. per container. The dimensions of such glass containers shall be subject to the approval of the Minister.

(2) Metal Containers:

Size designation of container	Net weight of contents	Diameter of container	Height of container
Canada 8 oz. size tin	7 oz.	3 7/16"	1 11/16" (307 x 111)
Canada 16 oz. size tin	16 oz.	3"	4 9/16" (300 x 409)

(3) Only such containers and packing weights as may be approved by the Minister shall be used for the packing of canned poultry.

Sealing of Containers

13. All containers in which canned poultry is packed shall be hermetically sealed.

Labels and Markings

14. (1) All metal or glass containers in which poultry is packed shall bear a label which completely covers the circumference of the container. One-third of the label shall be deemed to be the main panel and shall, in the case of establishments registered under the Meat and Canned Foods Act, bear the following markings:

- (a) The Inspection Legend, as required by the Regulations under the Meat and Canned Foods Act;
- (b) The name and address, or in the case of a firm or corporation, the firm or corporate name and address of the packer or of the first dealer, who shall upon request of an Inspector disclose the name of the packer; The address may consist of the local or head office address of the packer, or of the Inspection Legend showing the establishment number with the word "Canada";
- (c) Government Standards of Quality;
- (d) Kind of canned poultry, e.g. "Boneless Chicken" and where chicken and fowl are used together, e.g. "Boneless Poultry Meat";
- (e) Grade, e.g. "Grade 1";
- (f) "Solid" or "Jellied" pack, as the case may be;
- (g) "Gelatin added", if such is the case; and
- (h) Net weight in ounces.

(2) Where poultry is canned at a registered poultry canning station the Inspection Legend of the Meat and Canned Foods Act shall be omitted. The name of the packer, the number of the registered station and other markings, as prescribed, shall be shown.

(3) A sample of the grade panel of the label which shall show the size and arrangement of words and figures as prescribed above shall be forwarded to each establishment or registered poultry canning station for their use in preparing labels.

(4) No false or misleading information shall appear on any part of the label.

(5) Five proof copies of labels for use in establishments shall be forwarded to the Veterinary Director General, Department of Agriculture, Ottawa, for approval. Two copies of the approved label shall be forwarded to the Veterinary Director General before using. This regulation applies also to reprints.

(6) Five proof copies of labels intended for use in registered poultry canning stations shall be forwarded to the Director of Marketing Service, Department of Agriculture, Ottawa, for approval. Two copies of the approved label shall be forwarded to the Director of Marketing Service before using. This regulation applies also to reprints.

Marking of Outer or Shipping Containers

15. (1) All boxes or cases used as outer or shipping containers for canned poultry to which these Regulations apply shall be clearly and legibly stencilled, printed or stamped on the outside on one end in block letters and figures not exceeding three quarters of an inch in height nor one half inch in width so as to correctly show, in the case of establishments:

(a) In the upper left corner—In the case of inter-provincial shipments, the domestic sticker as provided by the Department of Agriculture, Health of Animals Division, and in the case of shipment to the United Kingdom, the British export label.

In the case of exports to other countries, the foreign export label approved by the Department of Agriculture.

(b) In the upper centre—manufacturer's name and address. Where so desired, the brand name may be included above the manufacturer's name.

(c) In the centre—Kind of canned poultry on the first line, e.g. "Boneless Chicken", or where chicken and fowl are used together, e.g. "Boneless Poultry Meat"; grade of canned poultry, on the second line, e.g. "Grade 1"; Solid or Jellied pack, as the case may be, on the third line.

(d) In the left lower corner—The number of cans or glass containers enclosed.

(e) In the right lower corner—The individual capacity of cans or glass containers.

(f) The registered number of the registered poultry canning station shall be shown in the lower centre between the number of containers enclosed and the individual capacity of container.

(2) In the case of registered stations all the above information shall appear except the Inspection Legend and the penalty clause.

(3) In no case shall the size of any words or letters be larger or more prominently displayed than those used to indicate the kind and grade of canned poultry.

(4) Paper labels may be used to mark boxes or cases used as outer or shipping containers. Where a label is used, it shall contain the information above prescribed. Only labels that have been approved in accordance with sections 14 (5) and 14 (6) shall be used.

Inspection

16. (1) Poultry may be canned only after it has been inspected as to grade and condition immediately before canning.

(2) Inspection of poultry as to grade and condition for canning shall be granted only upon written request to the Senior Poultry Products Inspector for the province at least twenty-four hours in advance of the time the inspection is required. The proprietor of the establishment or station making the request shall notify the Senior Poultry Products Inspector as to the grades of poultry to be inspected and shall have such poultry separated from all other poultry. The Inspector shall identify and record in a suitable manner the poultry inspected for canning.

(3) Inspectors shall have custody of and be responsible for all labels, stamps, cans, receptacles and containers having the grade names, as prescribed in these Regulations, stencilled or otherwise embodied thereon in a permanent manner.

17. (1) An inspector may place a mark of approval on each package of canned poultry inspected by him, which mark shall be called the "Government Mark" and shall include the Maple Leaf and the words "Canadian Poultry Products" and "Government Inspected" together with the inspector's number.

(2) Before the Government Mark is placed upon any package, the inspector shall make whatever examination he deems necessary to determine that the canned poultry for which inspection is requested has been packed and marked in accordance with these Regulations.

(3) No person other than an inspector shall apply any Government Mark to any container in which canned poultry is packed.

(4) No person shall place on any container in which canned poultry is packed any mark or design other than those prescribed by these Regulations, unless authorized by the Minister.

Interprovincial and Export Shipments

18. (1) No person shall either by himself or through the agency of any other person ship or transport canned poultry from Canada or from one province or territory of Canada to any other province or territory unless:

(a) such canned poultry has been canned and labelled in accordance with these Regulations and the Regulations under the Meat and Canned Foods Act;

(b) the boxes or outer containers in which it is shipped have been marked in accordance with these Regulations and the Regulations under the Meat and Canned Foods Act; and

(c) such canned poultry has been inspected and certified by an inspector at the point of shipment.

(2) The form of the inspection certificate for inspections made at the point of shipment shall be as follows:

CERTIFICATE OF INSPECTION

Canned Poultry

Place..... Date.....
 Name and Address of Shipper or Owner

 Where inspected

(4) Inspectors shall designate in the Notice of Detention the premises to which any detained canned poultry shall be taken or the manner in which it shall be disposed of

(5) Inspectors, when satisfied that any canned poultry detained under this section complies with these Regulations, may issue a duly completed form of "NOTICE OF RELEASE"; one copy of such Notice of Release shall be delivered to the owner or his representative and one copy to the person in possession of the dressed poultry.

(6) Detention tags shall not be removed from any canned poultry by any person other than an inspector.

Regulations Under the Provisions of the Live Stock and Live Stock Products Act, Chapter 47, of the Statutes of Canada, 1939

Respecting

THE GRADING AND MARKING OF
DRESSED AND EVISCERATED POULTRY

1. These regulations may be cited as the Dressed and Eviscerated Poultry regulations.

2. In these regulations, unless the context otherwise requires,

(a) "Act" means The Live Stock and Live Stock Products Act, 1939;

(b) "carload lot" means not less than ten thousand pounds of dressed poultry;

(c) "consumer" means a person who receives or purchases poultry solely for the use of himself or his family;

(d) "crooked breast bone" means a breast bone that interferes with the amount and arrangement of the meat;

(e) "Canadian Standards for Dressed and Eviscerated Poultry" means the kinds, sub-kinds and grades of dressed and eviscerated poultry named and defined in these regulations;

(f) "dressed poultry" means poultry from which blood and feathers have been removed but does not include eviscerated poultry;

(g) "eviscerated poultry" means dressed poultry from which the head, the legs at the hock joints and all entrails and internal organs have been completely removed.

(h) "grade" means to mark a bird, in accordance with these regulations, with the grade name established for such bird by these regulations and "graded" and "grading" have corresponding meanings;

(i) "inspector" means an inspector appointed or designated pursuant to the Act for the purposes of Part II of the Act or these regulations, and "District inspector" means the inspector for a province;

(j) "Minister" means the Minister of Agriculture;

(k) "pin feather" means a miniature feather so protruding through the skin that it can be extracted;

(l) "poultry eviscerating station" means a place other than a poultry processing station where dressed poultry is eviscerated for sale as eviscerated poultry and graded;

(m) "temporary poultry grading and packing station" means a place where dressed poultry is graded and packed but which operates only during the fall and winter seasons;

(n) "poultry grading station" means a place where dressed poultry is graded but not packed;

- (e) "poultry processing station" means a place where poultry is dressed, cooled, graded and packed;
- (f) "producer" means a farmer who ships, transports or sells as dressed poultry or eviscerated poultry only poultry raised on his own farm; and
- (g) "registered" as applied to a station means a poultry processing station, poultry grading and packing station, poultry grading station or poultry eviscerating station, as the case may be, in respect of which a certificate of registration has been issued under this Act and is in force.

PART I—GENERAL

3. (1) Except as provided in this section, no person shall sell or offer, advertise or hold in possession for sale under a grade name established by these regulations and no person shall apply such grade name to

- (a) dressed poultry, unless the poultry was dressed by a producer or in a registered poultry processing station and graded in a registered poultry processing station, a temporary registered grading and packing station or a registered grading station;
- (b) eviscerated poultry, unless the poultry was dressed by a producer or in a registered poultry processing station and eviscerated and graded in a registered poultry eviscerating station.

(2) A producer may sell or offer, advertise or hold in possession for sale under a grade name established by these regulations and may apply such grade name to dressed poultry and eviscerated poultry if such poultry was raised on his own farm and is sold direct to consumers otherwise than in or through a retail store and if the bird complies with the standards fixed by these regulations for such grade name.

Applications for Registration

4. (1) An application for registration of a station may be made to a district office of a poultry products inspection service on a form to be prescribed by the Minister.

(2) Every applicant for a certificate of registration shall in his application submit a blue print or a drawing showing the plan of the station and the equipment, drainage and such other details as are relevant and, in addition, such further information as the Minister may require.

PART II—CERTIFICATE OF REGISTRATION

5. (1) The application for registration shall be submitted to the Minister and the Minister may issue a certificate of registration for the station in respect of which the application is made, if in his opinion such station complies with the requirements of these regulations for that station.

(2) Every registered station shall be assigned a registration number.

(3) The Minister may for any cause that to him seems sufficient refuse to issue a certificate in respect of any station.

(4) The Minister may cancel a certificate if in his opinion the station does not comply with the requirements of these regulations or if in his opinion the owner or operator of the station has violated or failed to comply with any of the provisions of these regulations or the Act.

(5) The owner or operator of a station in respect of which a certificate has been issued shall post and keep posted the certificate in a conspicuous place on the station for so long as the certificate is in force.

(6) Every certificate of registration issued under these regulations shall, unless sooner cancelled, remain in force until the first day of April next following the day of issue, and shall then expire.

(7) The Minister may prescribe the forms of certificates of registration under this Act.

(8) A certificate may not be assigned or transferred.

PART III—REGISTERED STATIONS

Poultry Processing Stations

6. A certificate of registration may be issued in respect of a poultry processing station that in the opinion of the Minister complies with the following requirements:

- (a) the station shall include a receiving room for live poultry, a killing room and a refrigerated room for grading and packing poultry;
- (b) the station shall be adequately equipped for dressing, cooling, grading and packing poultry;
- (c) the floors, ceilings and walls of the station shall be constructed of such material that they can be properly cleaned;
- (d) proper provisions shall be made for adequately lighting, draining and ventilating the station;
- (e) the station shall have adequate lavatory, washing and dressing facilities for employees and all rooms used for such purposes shall be sanitary and fully equipped and shall have direct outside light and ventilation;
- (f) outside doors and windows of the station shall be screened;
- (g) the station shall be adequately equipped with scales, holding batteries, killing and dressing equipment, cooling racks, grade bins or sorting tables, packing, stencilling and nailing tables, stencilling and grade marking equipment;
- (h) the station shall be equipped with adequate cooling facilities to cool birds before grading to an inside body temperature of forty degrees Fahrenheit or less, and to maintain a temperature not higher than forty degrees Fahrenheit where poultry is to be graded, packed or held for shipment; and
- (i) the station shall have an adequate supply of water.

7. A registered poultry processing station shall be operated in accordance with the following rules;

- (a) all parts of the premises and all equipment used shall be kept clean and sanitary;
- (b) blood shall be continuously washed or drained from the floor of the killing room;
- (c) feathers shall be removed frequently from the premises;
- (d) the killing room shall be cleaned immediately after each day's operation and the station shall be kept reasonably clean and free from blood and feathers;
- (e) water used for semi-scalding poultry shall be reasonably clean and clear;
- (f) all employees while working in the station shall wear suitable coverings for their clothing and such coverings shall at all times be kept reasonably clean;
- (g) the dressing, grading, packing and marking of poultry shall be done in a room that in the opinion of an inspector is suitable for the purpose;
- (h) dressed poultry shall be cooled before grading to an internal body temperature of forty degrees Fahrenheit or lower and shall be held at a temperature not exceeding forty degrees Fahrenheit when being graded, packed and held for shipment or cold storage;
- (i) no metal equipment or apparatus coming into contact with dressed or eviscerated poultry shall be used unless approved by the Minister and such equipment shall be regularly cleaned and sterilized;

- (j) accurate information respecting receipts, sales and shipments of dressed or eviscerated poultry, packed or otherwise, or the quantity of poultry on hand at any time, shall be furnished to a District inspector upon request;
- (k) dressed or eviscerated poultry shall not be placed in piles either before or after grading but may be placed on grading or sorting tables for convenience in packing;
- (l) all poultry purchased, received or otherwise handled by the station shall be graded and shall, in a manner prescribed by the Minister, be marked with the number of the station and the word "Canada".

Temporary Poultry Grading and Packing Stations

8. (1) A certificate of registration for a temporary grading and packing station may be issued during the late fall and winter months if the arrangements and facilities for cooling and handling poultry are approved by a District inspector.

(2) All poultry purchased, received or otherwise handled by a temporary poultry grading and packing station shall be graded in accordance with these regulations and shall, in a manner prescribed by the Minister, be marked with the number of the station and the word "Canada".

Poultry Grading Stations

9. A certificate of registration may be issued in respect of a poultry grading station that in the opinion of the Minister complies with the following requirements:

- (a) the station shall include a refrigerated room or rooms for cooling and grading poultry and the station shall be otherwise adequately equipped for cooling and grading poultry;
- (b) the floors, ceilings and the walls of the station shall be constructed of such material that they can be properly cleaned;
- (c) proper provision shall be made for adequately lighting and ventilating the station;
- (d) the station shall have adequate lavatory, washing and dressing facilities for employees and all rooms used for such purposes shall be sanitary and fully equipped and shall have direct outside light and ventilation;
- (e) the station shall be adequately equipped with thermometers, grade bins or sorting tables, grade marking tables and grade marking equipment and shall have proper facilities for hanging birds for cooling.

10. A registered grading station shall be operated in accordance with the following rules:

- (a) all parts of the premises and all equipment used shall be kept clean and sanitary;
- (b) the premises shall be adequately lighted and ventilated;
- (c) all employees while working in the station shall wear suitable coverings for their clothing and such coverings shall be kept reasonably clean;
- (d) the grading of poultry shall be done in a room that in the opinion of an inspector is suitable for the purpose;
- (e) dressed poultry shall be cooled before grading to an internal body temperature of forty degrees Fahrenheit or lower and shall be held at a temperature not exceeding forty degrees Fahrenheit when being graded, packed and held for sale or cold storage;
- (f) no metal equipment or apparatus coming in contact with dressed poultry shall be used unless approved by the Minister and such equipment shall be regularly cleaned and sterilized;
- (g) all poultry purchased, received or otherwise handled by the station shall be graded in accordance with these regulations and shall, in a manner prescribed by the Minister, be marked with the number of the station and the word "Canada";

- (h) accurate information respecting receipts and sales of dressed poultry, the quantity of poultry graded, or the quantity of poultry on hand at any time, shall be furnished to a District inspector upon request;
- (i) dressed poultry shall not be placed in piles but may be placed on grading or sorting tables for convenience in handling.

Poultry Eviscerating Stations

11. (1) A certificate of registration may be issued in respect of an eviscerating station if the Minister is of opinion that the station complies with the following requirements:

- (a) the station shall include a refrigerated room for cooling poultry and shall otherwise be adequately equipped for eviscerating poultry;
- (b) the floor, ceiling and walls of the station shall be constructed of such material that they can be properly and easily cleaned;
- (c) proper provision shall be made for adequately lighting, draining and ventilating the station;
- (d) the station shall have adequate lavatory, washing and dressing facilities for employees and all rooms used for such purposes shall be sanitary and fully equipped and have direct outside lights and ventilation;
- (e) outside doors and windows of the station shall be screened;
- (f) the station shall be adequately equipped with thermometers, scales, instruments for eviscerating poultry, cutting tables, packing tables and any other equipment required in eviscerating poultry; and
- (g) the station shall have an adequate supply of clean water.

(2) A registered eviscerating station shall be operated in accordance with the following rules:

- (a) all parts of the premises and all equipment used shall be kept clean and sanitary and entrails and other inedible parts of the bird shall frequently be removed;
- (b) the premises shall be adequately drained, lighted and ventilated;
- (c) all employees while working in the station shall wear suitable coverings for their clothing and such coverings shall be kept reasonably clean;
- (d) the eviscerating of poultry shall be done in a room that in the opinion of an inspector is suitable for the purpose;
- (e) no metal equipment or apparatus coming in contact with poultry shall be used unless approved by the Minister and such equipment shall be regularly cleaned and sterilized;
- (f) accurate information respecting receipts and sales of eviscerated poultry, the quantity of poultry eviscerated or the quantity of poultry on hand at any time, shall be furnished to a District inspector upon request;
- (g) eviscerated poultry shall not be placed in piles but may be placed on grading or sorting tables for convenience in handling;
- (h) water used for washing eviscerated poultry shall be clean and clear; and
- (i) all poultry eviscerated by the station shall be graded in accordance with these regulations and shall, in a manner prescribed by the Minister, be marked with the number of the station and the word "Canada".

PART IV—DRESSING

12. For the purpose of these regulations poultry shall be dressed as follows: they shall be starved for sufficient length of time before being killed to empty crops, during which time they should have access to clean drinking water; they shall be properly bled so that no blood remains in the extremities, and shall be dry, wet or wax plucked with all feathers and hairs removed, except that, if so desired, a few feathers may be left around the head; they shall have their feet and toes clean and vents flushed; all blood shall be removed

from the mouth and they shall have their crops empty; they shall be removed from the killing to the cooling room as soon as practicable after dressing; they shall have their heads wrapped; birds showing feed in the crop or crop discoloration shall have the crop removed, preferably through the back of the neck, but if the crop is not neatly removed the bird shall be lowered at least one grade.

PART V—CANADIAN STANDARDS FOR DRESSED AND EVisCERATED POULTRY

13. The grades established by this Part shall be known as "Canadian Standards for Dressed and Eviscerated Poultry".

14. The kinds, sub-kinds and grades for dressed poultry and eviscerated poultry shall be as follows:

Kinds	Sub-Kinds
Chickens	—Squab Broilers, Broilers, Fryers, Roasters, Poulards, Capons, Stags.
Fowl	—Hens, Roosters.
Turkeys	—Young Turkey Hens, Young Turkey Toms, Old Turkey Hens, Old Turkey Toms.
Ducks	—Ducklings, Old Ducks.
Geese	—Goslings, Old Geese.
Pigeons	—Squab Pigeons, Pigeons.
Guineas	—Guinea Chickens, Guinea Fowl.

Kinds and Sub-Kinds

The kinds of poultry shall include both sexes but shall make no distinction between the breeds.

Squab Broilers, Broilers, Fryers, Roasters, Poulards, Capons, Ducklings, Goslings, Young Turkeys, Guinea Chickens and Stags are young birds with soft flexible cartilage at the posterior end of the breastbone or keel. They are birds that are prepared for market and killed at or before maturity and before they are used for breeding purposes.

Squab Broilers are young chickens weighing not more than 19 pounds to the dozen.

Broilers are young chickens weighing not more than 30 pounds to the dozen.

Fryers are chickens weighing over 30 to 42 pounds to the dozen.

Roasters are chickens weighing over 43 pounds to the dozen.

Capons are unsexed male chickens.

Poulards are unsexed female chickens.

Stags are male chickens showing hard spurs and general characteristics approaching the stage of maturity.

Squab Pigeons are young pigeons that have never flown.

Hens, Roosters, Ducks, Geese, Old Turkey Hens, Old Turkey Toms and Guinea Fowl are mature birds that have no soft flexible cartilage at the posterior end of the breastbone or keel.

Pigeons are old birds that have flown and developed hard muscle.

Grades

15. (1) In grading poultry under these regulations the following factors shall be considered: condition, conformation, flesh, fat and dressing.

(2) To qualify for any grade under these regulations, poultry shall have all plumage feathers plucked from the body, wings, hocks and the neck to within one inch of the head, vents flushed, feet and mouth cleaned.

Grades for Dressed Poultry

16. The following shall be the grade names under these regulations:

Grade Special (or Grade Special Milkfed in the case of chickens)

Grade A (or Grade A Milkfed in the case of chickens)

Grade B

Grade C

Grade D

(1) GRADE SPECIAL—(or Grade Special Milkfed in the case of chickens):

To qualify for this grade poultry shall:

- (a) be of normal physical conformation with no deformities;
- (b) be well fleshed in relation to length and depth of body; and in the case of turkeys, the keel shall be relatively long for size of the carcass; breast flesh carried well over front of keel and well back to the posterior end of keel; the width of breast at a point one inch back from the anterior end of keel and $\frac{2}{5}$ of the depth of the carcass shall be equal to 80% of the length of the keel;
- (c) have breast, back, hips and pin bones in the case of chickens covered with fat and in the case of other poultry well covered with fat;
- (d) have not more than five pin feathers on the breast or more than ten elsewhere on the body;
- (e) have no prominent discoloration from any cause;
- (f) have no more than one tear on the breast which shall be not more than one-quarter inch in length; tears elsewhere on the body of the bird shall not exceed two and,
 - (i) in the case of broilers and pigeons shall not be more than one-quarter inch in length,
 - (ii) in the case of other chickens, fowl, ducks and guineas shall not be more than one-half inch in length, and
 - (iii) in the case of turkeys and geese shall not be more than three-quarters inch in length.

(2) GRADE A (or Grade A Milkfed in the case of chickens)—

To qualify for this grade poultry shall:

- (a) be of normal physical conformation with no deformities but may have a slightly crooked keel bone that does not interfere with the arrangement and placement of the meat;
- (b) be relatively well fleshed in relation to length and depth of body, but may have slightly prominent keel bones;
- (c) have the breast, back, hips and pin bones in the case of chickens showing fat and in the case of other poultry reasonably well covered with fat;
- (d) have not more than six pin feathers on the breast or more than twelve elsewhere on the body;
- (e) have no prominent discoloration from any cause exceeding one-half inch square on the breast or one inch square elsewhere on the body, and
- (f) not have on the breast more than one tear exceeding one-quarter inch in length or more than three small tears; tears elsewhere on the body of the birds shall not exceed two in number and,
 - (i) in the case of chickens, fowl, ducks, pigeons and guineas shall not be more than one-half inch in length, and
 - (ii) in the case of turkeys and geese shall not be more than three-quarters inch in length.

(3) GRADE B—To qualify for this grade poultry shall:

- (a) be of normal physical conformation but may have slightly crooked keel bone;

- (b) be reasonably well fleshed having insufficient flesh to meet the requirements of Grade A;
- (c) have sufficient fat to prevent a dark red appearance;
- (d) be sufficiently well plucked that any remaining pin feathers will not detract from the appearance of the bird;
- (e) have no prominent discoloration exceeding one square inch; and
- (f) not have more than two tears exceeding one-half inch in length on the breast; tears elsewhere on the body shall not exceed three in number and,
 - (i) in the case of chickens, fowl, ducks, pigeons and guineas shall not be more than one-half inch in length, and
 - (ii) in the case of turkeys and geese shall not be more than one inch in length.

(4) **GRADE C**—To qualify for this grade poultry shall be fairly well fleshed and not badly discoloured from any cause, shall not have tears exceeding four inches in length or pin feathers that seriously detract from the appearance of the bird.

(5) **GRADE D**—shall include all birds that do not qualify for any of the higher grades but which are fit for human consumption.

PART VI—PACKING

17. For the purposes of these regulations, dressed poultry and eviscerated poultry shall be packed as prescribed in this Part.

Style of Packing

18. (1) Dressed poultry shall be side packed, breast packed or packed in such other manner as the Minister may prescribe.

(2) Eviscerated poultry shall be packed in such manner as the Minister may prescribe.

Packing

19. (1) All poultry in a package shall be reasonably uniform as to colour and conformation and birds showing fat which is distinctly yellow in colour shall not be packed with birds showing fat which is white or creamy white in colour.

(2) All sub-kinds of poultry shall be packed in separate boxes.

(3) The pack for chickens, fowl and guineas shall be twelve birds to the box.

(4) The pack for turkeys and geese shall be four, six, eight, ten or twelve birds to the box according to their weight.

(5) The pack for pigeons shall be one dozen, two dozen, three dozen, four dozen, or five dozen to the box.

Box Liners

20. (1) Boxes for dressed poultry shall be lined with parchment or wax paper or any other kind of paper approved by the Minister except

(a) where birds are individually wrapped in a manner approved by the Minister, or

(b) where birds are packed in paper boxes, waxed inside and the use of which has been approved by the Minister.

(2) Boxes for eviscerated poultry shall be such as are approved by the Minister.

Packing Weights

21. The weights for packing dressed poultry are as follows:

Packing Weights for Chickens and Fowl:

Birds weighing over 9 to 12 pounds per 12 birds

Birds weighing over 12 to 15 pounds per 12 birds

Birds weighing over 15 to 18 pounds per 12 birds

Birds weighing over 18 to	21 pounds per 12 birds
Birds weighing over 21 to	24 pounds per 12 birds
Birds weighing over 24 to	27 pounds per 12 birds
Birds weighing over 27 to	30 pounds per 12 birds
Birds weighing over 30 to	36 pounds per 12 birds
Birds weighing over 36 to	42 pounds per 12 birds
Birds weighing over 42 to	48 pounds per 12 birds
Birds weighing over 48 to	54 pounds per 12 birds
Birds weighing over 54 to	60 pounds per 12 birds
Birds weighing over 60 to	66 pounds per 12 birds
Birds weighing over 66 to	72 pounds per 12 birds
Birds weighing over 72 to	78 pounds per 12 birds
Birds weighing over 78 to	84 pounds per 12 birds
Birds weighing over 84 to	90 pounds per 12 birds
Birds weighing over 90 to	96 pounds per 12 birds
Birds weighing over 96 to	102 pounds per 12 birds

Packing Weights for Turkeys:

Birds weighing 6 to 8 pounds each
Birds weighing over 8 to 10 pounds each
Birds weighing over 10 to 12 pounds each
Birds weighing over 12 to 14 pounds each
Birds weighing over 14 to 16 pounds each
Birds weighing over 16 to 18 pounds each
Birds weighing over 18 to 20 pounds each
Birds weighing over 20 to 22 pounds each
Birds weighing over 22 to 26 pounds each
Birds weighing over 26 to 30 pounds each
Birds weighing over 30 to 34 pounds each

Packing Weights for Ducks:

Birds weighing 3 to 4 pounds each
Birds weighing over 4 to 5 pounds each
Birds weighing over 5 to 6 pounds each
Birds weighing over 6 to 7 pounds each

Packing Weights for Geese:

Birds weighing 6 to 8 pounds each
Birds weighing over 8 to 10 pounds each
Birds weighing over 10 to 12 pounds each
Birds weighing over 12 to 14 pounds each

Variation in weight of individual birds packed within a box shall be allowed as follows:

Squab Broilers	—not over $\frac{1}{4}$ pound per bird
Broilers	—not over $\frac{1}{4}$ pound per bird
All other Chickens	—not over $\frac{1}{2}$ pound per bird
Turkeys, weighing not over 22 pounds each	—not over 2 pounds per bird
Turkeys, weighing over 22 pounds each	—not over 4 pounds per bird
Geese	—not over 2 pounds per bird

Box Specifications

22. (1) Boxes used for packing eviscerated poultry shall be such as are approved by the Minister.

(2) Unless otherwise authorized by the Minister, boxes used for breast packing graded dressed poultry shall comply with the following specifications:

Boxes for Chickens and Fowl

Box No.	Weights to pack in each box of 12 birds	Inside length in inches	Inside width in inches	Inside depth in inches	Minimum thickness of sides, top and bottom	Minimum thickness of lumber in both ends
	(lbs.)					
1	9 to 12	14	10½	4¼	⅜	⅜
2	Over 12 to 15	15	10½	4½	⅜	⅜
3	" 15 to 18	16	10½	4¾	⅜	⅜
4	" 18 to 21	16	11½	5	¼	½
5	" 21 to 24	17	11½	5¼	¼	½
6	" 24 to 27	18	11½	5½	¼	½
7	" 27 to 30	18	12½	5¾	⅝	½
8	" 30 to 36	19	12½	6	⅝	½
9	" 36 to 42	21	12	6½	⅝	½
10	" 42 to 48	22	13¼	6¾	¾	¾
11	" 48 to 54	23	13½	7	¾	¾
12	" 54 to 60	24	14	7¼	¾	¾
13	" 60 to 66	25	14½	7½	¾	¾
14	" 66 to 72	26	15	7¾	¾	¾
15	" 72 to 78	27	15½	8	¾	¾
16	" 78 to 84	28	16	8¼	¾	¾
17	" 84 to 90	29	17	8½	¾	¾
18	" 90 to 96	30	18	8¾	¾	¾
19	" 96 to 102	31	19	9	¾	¾

When only six chickens or six fowl or six roosters are packed per box, the inside length of the box shall be one half of that prescribed above.

Boxes for Turkeys

Box No.	Number of birds to pack in each box	Weight spread	Inside length in inches	Inside width in inches	Inside depth in inches	Minimum thickness of sides, top and bottom	Minimum thickness of lumber in both ends
		(lb.)					
20	10	Over 8 to 10	26	19	8½	¾	¾
21	8	" 10 to 12	22	20	9	¾	¾
22	8	" 12 to 14	23	21	9½	¾	¾
23	6	" 14 to 16	22	20	10	¾	¾
24	6	" 16 to 18	23	21	10½	¾	¾
25	4	" 18 to 20	24	14½	11	¾	¾
26	4	" 20 to 22	25	15½	11½	¾	¾
27	4	" 22 to 26	27	17	12½	¾	¾
28	4	" 26 to 30	29	18½	13½	¾	¾
29	4	" 30 to 34	31	20	14½	¾	¾

When boxes Nos. 20, 21 and 22 are used, the birds shall be packed along the sides of the box.

When boxes Nos. 23, 24, 25, 26, 27, 28 and 29 are used, the birds shall be packed along the ends of the box.

Boxes for Ducks

Box No.	Weights to pack in each box of 6 birds	Inside length in inches	Inside width in inches	Inside depth in inches	Minimum thickness of sides, top and bottom	Minimum thickness of lumber in both ends
	(lbs.)					
30	18 to 24	20	12	5	¼	½
31	Over 24 to 30	21	12½	5¼	¼	½
32	" 30 to 36	22	13	5½	¼	½
33	" 36 to 42	23	13½	5¾	¼	½

When boxes Nos. 30 to 33 inclusive are used, birds shall be packed along the ends of the box.

Box No.	Weights to pack in each box of 12 birds	Inside length in inches	Inside width in inches	Inside depth in inches	Minimum thickness of sides, top and bottom	Minimum thickness of lumber in both ends
	(lb.)					
34	36 to 48	24	20	5	$\frac{1}{4}$	$\frac{1}{2}$
35	Over 48 to 60	25	21	$5\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{2}$
36	" 60 to 72	26	22	$5\frac{1}{2}$	$\frac{1}{4}$	$\frac{1}{2}$
37	" 72 to 84	27	23	$5\frac{3}{4}$	$\frac{1}{4}$	$\frac{1}{2}$

When boxes Nos. 34 to 37 inclusive are used, birds shall be packed along the sides of the box.

Boxes for Geese

Box No.	Weights to pack in each box of 6 birds	Inside length in inches	Inside width in inches	Inside depth in inches	Minimum thickness of sides, top and bottom	Minimum thickness of lumber in both ends
	(lb.)					
38	36 to 48	25	16	$6\frac{1}{4}$	$\frac{3}{8}$	$\frac{5}{8}$
39	Over 48 to 60	27	17	$6\frac{1}{2}$	$\frac{3}{8}$	$\frac{5}{8}$
40	" 60 to 72	28	18	$6\frac{3}{4}$	$\frac{3}{8}$	$\frac{5}{8}$
41	" 72 to 84	30	19	7	$\frac{3}{8}$	$\frac{5}{8}$

In packing geese, the birds shall be packed along the sides of the box.

Dressed poultry in Canadian Standard Poultry boxes shall be packed so that the feet, head and wing tips are not visible when the cover is removed.

1. All boards used in Standard Poultry boxes shall be:

- of good, sound quality of soft wood or poplar, with a moisture content, based on the oven-dry weight of the wood, of 15 per centum with a leeway of 3 per centum;
- planed smooth on the outside and smooth sawn on the inside;
- reasonably free from knots but no knot or knot cluster shall be greater than one-third of the width of the board;
- straight edged, or tongued and grooved, or tongued and grooved and glued, or, Lindermanized.

2. Each side and end of boxes 1 to 9 inclusive and 30 to 33 inclusive, when inside corner cleats are not used, shall be one piece or Lindermanized, or, tongued and grooved and glued; if tongued and grooved and glued, two corrugated metal fasteners shall be placed across each end joint.

3. All covers and bottoms shall be flush with and fit over the sides and ends.

4. Only wide boards $3\frac{5}{8}$ " or over shall be used as outside boards in both tops and bottoms.

5. All covers shall be joined and reinforced across the outside or the inside of each extreme end with a wooden batten $\frac{3}{8}$ " thick and equal in width to the thickness of the end of the box, when used on the inside.

6. All boxes 10 to 29 inclusive and 34 to 41 inclusive shall, and all other boxes listed in these specifications may have inside corner cleats. When inside corner cleats are used, ends may consist of one or more boards. Boards shall be straight edged, or Lindermanized, or tongued and grooved, or tongued and grooved and glued.

Each inside corner cleat shall be:

in the case of boxes numbering from 10 to 26 inclusive and 34 to 41 inclusive, $1\frac{1}{4}$ " wide and $\frac{1}{2}$ " in thickness;

in the case of boxes numbering from 27 to 29 inclusive, $1\frac{3}{8}$ " wide and $\frac{5}{8}$ " in thickness.

The length of all corner cleats shall be $\frac{1}{8}$ " less than the inside depth of the end of the box.

Nailing requirements for Canadian Standard Poultry Boxes for Chickens, Fowl, Roosters, Turkeys, Ducks and Geese

Part of box to be nailed	Box numbers	Types of nails	Minimum length of nails in inches	Minimum number of nails per nailing edge
Inside corner cleat, transverse to grain to end boards.....	34-37	Clinch.....	$1\frac{1}{8}$	4
	10-14, 38-41	"	$1\frac{1}{4}$	5
	15-21	"	$1\frac{3}{8}$	6
	22-26	"	$1\frac{3}{8}$	7
	27-29	"	$1\frac{1}{2}$	8
Cover cleat transverse to grain of cover boards	1-3	Clinch nails or staples	$\frac{5}{8}$	4
	4-9, 30-33,	"	$\frac{3}{4}$	4
	34-37	"	$\frac{3}{4}$	7
	10-14, 25-26	"	$\frac{7}{8}$	5
	15-19, 38-41	"	$\frac{7}{8}$	6
	20-24	"	$\frac{7}{8}$	7
	27-29	"	1	7
Sides to ends	1-6, 30-33	Cement-coated box nails	$1\frac{1}{2}$	4
	7-9, 34-39	"	$1\frac{1}{2}$	5
	10-14, 40-41	"	$1\frac{1}{2}$	6
	15-21	"	$1\frac{1}{2}$	7
	22-26	"	$1\frac{1}{2}$	8
	27-29	"	2	8
Bottom to ends.....	1-3	Cement-coated box nails	$1\frac{1}{2}$	5
	4-9, 30-33	"	$1\frac{1}{2}$	6
	10-14, 38-39	"	$1\frac{1}{2}$	8
	15-17, 25-26	"	"	"
	34-37, 40-41	"	$1\frac{1}{2}$	9
	18-19	"	$1\frac{1}{2}$	10
	20-24	"	$1\frac{1}{2}$	11
	27-29	"	2	10
Cover to ends.....	1-3	Cement-coated box nails	$1\frac{3}{4}$	3
	4-9, 30-33	"	$1\frac{3}{4}$	4
	10-14, 38-39	"	$1\frac{3}{4}$	5
	15-17, 25-26	"	"	"
	34-37, 40-41	"	$1\frac{3}{4}$	6
	18-19	"	$1\frac{3}{4}$	"
	20-24	"	$1\frac{3}{4}$	8
	27-29	"	2	8

When inside corner cleats are used the nails that hold the sides to the ends shall be driven alternately into the end grain of the end board and into the side grain of the cleats. When an odd number of nails per nailing edge is used the greater proportion shall be driven into the side grain of the cleats.

When inside corner cleats are used in boxes other than those herein specified, they shall be joined to the end boards by clinch nails the length of which equals the combined thickness of the end boards and cleats plus $\frac{1}{8}$ inch of clinching; these nails shall be spaced not more than 2 inches apart.

All clinch nails and staples shall be clinched.

PART VII—BOX MARKING

23. No person shall apply to any box containing graded dressed or eviscerated poultry any grade name established by these regulations unless the box was packed in accordance with the provisions of Part VI of these regulations and unless the box is marked in accordance with this Part.

24. (1) All boxes containing poultry shall be correctly marked so as to show:

- (a) in the left upper corner: the number of birds in the box; this mark may be omitted in the case of a box containing twelve birds;
- (b) in the left lower corner: "Tagged", if all the birds in the box are wing tagged; in this corner may also be shown the gross weight of the package under "Tagged";
- (c) in the right lower corner on the lower edge of the end board and close to the corner: the net weight;
- (d) in the centre: kind or sub-kind or both on the first line; the word "Grade" followed by the Grade designation on the second line, and, in the case of eviscerated poultry the word "Eviscerated" on the third line; provided that in the case of Grade Special Milkfed chickens and Grade A Milkfed chickens the word "Milkfed" shall appear on the third line and the word "Eviscerated" on the fourth line;
- (e) in the bottom centre line directly below the grade designation the words "REG. No." followed by the number of the registered station in which the poultry was packed;
- (f) in the marking of boxes containing turkeys both kind and sub-kind shall be shown; the sub-kind shall be indicated by the first letters of the sub-kind and shall immediately follow the kind;
- (g) boxes containing stags and roosters shall be marked as such;
- (h) where birds have head or feet removed and are eviscerated, or have been heavily scalded, it shall be so marked on the stencilled end of the box directly below the grade name, in letters as stipulated in subsection four of this section.

(2) Except as provided in this section all marks required to be placed on boxes shall be clearly and legibly printed, stamped or stencilled on the outside of at least one end of the box in black block letters and figures three-quarters of an inch in height with stems of letters approximately one-eighth of an inch in width and letters approximately one-half inch in width; provided that with the approval of the Minister the marks may be printed, stamped or stencilled on a label in such form as the Minister may prescribe.

(3) The word "Tagged" shall be in letters of one-quarter inch in height with thin fine line stems.

(4) Boxes numbering one to eight inclusive and thirty to thirty-seven inclusive may be in letters and figures one-half inch in height with stems of letters approximately one-sixteenth of an inch in width and letters approximately one-quarter of an inch in width.

25. (1) An inspector may, in accordance with these regulations, place a mark of approval on each package of dressed or eviscerated poultry inspected by him, which mark shall be called the "Government Mark" and shall include the Maple Leaf and the words "Canadian Poultry Products" and "Government Inspected" together with the inspector's number, but the Minister may, until all inspectors are furnished with the necessary stamps, in the case of dressed poultry, authorize inclusion of the words "Canadian Dressed Poultry" in lieu of the words "Canadian Poultry Products".

(2) Before the Government Mark is placed upon any package, the inspector shall draw or require to be drawn at his direction samples of at least twenty per centum of each kind, sub-kind and grade to be marked and shall examine

the contents of each package; the inspector shall satisfy himself that the samples taken are representative and shall take any further samples and make any further examination that he deems necessary.

(3) The maximum allowance at the time of inspection shall not exceed one bird in twenty-four below the grade stated or one bird in three above the grade stated.

(4) The number of birds that exceed the maximum allowance in weight of birds within a box shall not be more than one in twenty-four.

26. No package containing dressed or eviscerated poultry shall be marked with the Government Mark unless the warehouse or rooms in which the poultry is held are in a clean and sanitary condition and no inspection shall be made unless suitable accommodation and light is provided for the inspector to insure a proper examination.

27. No person other than an inspector shall apply any Government Mark to any package containing dressed or eviscerated poultry.

28. No person shall place on any box containing dressed or eviscerated poultry any mark or design other than those required by these regulations unless authorized by the Minister.

PART VIII—CERTIFICATES OF INSPECTION

29. An inspector may, in accordance with this Part, issue a certificate of inspection with respect to any lot or shipment of poultry inspected by him.

30. (1) No certificate of inspection shall be issued covering any lot or shipment of dressed or eviscerated poultry if it is found to contain birds that show undue moisture, must, mould, freezer burn or off-condition appearance at time of inspection.

(2) If the sample examined by the inspector is found to be of the grade as represented on the birds and boxes and the birds are uniform in weight, each within the tolerance allowed, and the poultry has been packed, the containers marked and the shipment in all other respects is in accordance with these regulations, the inspector shall mark each container in the shipment with the Government Mark in the place and manner prescribed in these regulations and shall issue a certificate in the form prescribed by these regulations covering the shipment.

(3) Certificates covering shipments for export shall be marked across the face of the certificate with the words "Export Certificate".

(4) Unless the District Inspector, in exceptional circumstances, allows a shorter notice, at least twelve hours' notice that inspection is required shall be given to the nearest District Inspection Office.

(5) The proprietor of the station making the request for inspection shall advise the Senior Officer as to the number of boxes of the different kinds and grades of dressed or eviscerated poultry to be offered for inspection.

31. The following is the form in which certificates shall be issued when inspections are made at point of shipment:

CERTIFICATE OF INSPECTION

Dressed Poultry

Place Date.....
 Name and Address of Shipper or Owner

 Where inspected

PART IX—SHIPPING AND TRANSPORTATION

32. No person shall either by himself or through the agency of another person, ship or transport dressed or eviscerated poultry in carload lots out of any province of Canada into any other province unless the poultry has been inspected and certified by an inspector at the point of shipment and is graded and packed and the containers marked in accordance with these regulations and unless each individual bird is marked in a manner approved by the Minister to denote the grade and the number of the registered station at which such bird was graded, together with the word "Canada".

33. No person shall either by himself or through the agency of another person ship dressed or eviscerated poultry for export from Canada unless the same has been inspected and certified by an inspector at the point of shipment and is graded and packed and the containers marked in accordance with these regulations and unless each individual bird is marked in a manner approved by the Minister to denote the grade and the number of the registered station at which such bird was graded, together with the word "Canada".

PART X—GENERAL

34. (1) Except where dressed or eviscerated poultry is sold and delivered direct to a consumer by a producer otherwise than in or through a retail store, all dressed or eviscerated poultry offered for sale to consumers in retail stores, public markets or otherwise or to hotels, restaurants, barbecues or any person commercially engaged in serving meals, shall be marked in a manner approved by the Minister to denote the grade of the bird, the number of the registered station at which the poultry was graded as required by these regulations, together with the word "Canada".

(2) Tags or marks used to denote the grade of the bird shall be coloured purple, red, blue or yellow-brown in the case of grades "Special" (or Special Milkfed), "A" (or a Milkfed), "B" and "C" respectively.

(3) The form, colour, lettering, place and method of attachment of tags used in the grading of dressed poultry shall be as prescribed by the Minister.

(4) In the case of old turkeys, the tag or grade mark shall bear the word "old".

(5) All dressed or eviscerated poultry in retail store premises, public markets, hotels, restaurants, barbecues or any places where meals are served commercially, whether or not in view of the public shall be deemed to be kept for sale and all markings for such birds as required by these regulations shall be clear and legible.

(6) Any advertisement pertaining to dressed or eviscerated poultry shall state the kind and grade of poultry offered for sale and, in the case of turkeys, whether they are young or old.

35. (1) No person shall either by himself or through the agency of any person, sell, offer or have in possession for sale, ship or deliver dressed or eviscerated poultry marked, labelled, tagged or described on the containers or otherwise with or by the name of any grade, kind or sub-kind specified in these regulations unless the dressed or eviscerated poultry conforms in all respects to such grade, kind or sub-kind.

(2) Any dressed or eviscerated poultry that does not conform to or is below the grade specified by any tag or mark thereon shall be deemed to be misbranded.

36. (1) No person shall publish an untrue, deceptive or misleading advertisement in respect of dressed or eviscerated poultry offered or held for sale or distribution.

(2) Any advertisement that contrary to the fact applies either directly or indirectly to any dressed or eviscerated poultry, any grade, kind or sub-kind set forth in these regulations shall be deemed to be untrue, deceptive or misleading.

37. (1) With respect to conformation, flesh, amount of fat and dressing (tears, pin feathers, discoloration from bruising or improper bleeding) of any dressed or eviscerated poultry sold or delivered to a buyer, the registered station the number of which appears on any such poultry shall be responsible at all times.

(2) With respect to condition (musty, mouldy, discoloration from putrefaction, or dried, leathery or discolored skin) of any fresh or frozen dressed or eviscerated poultry sold or delivered to a buyer by the registered station the number of which appears on any such poultry, the station shall be responsible for twenty-four hours after delivery to or defrosting thereof by the buyer, as the case may be.

PART XI—DETENTION

38. (1) An inspector may place under detention any dressed or eviscerated poultry that has been graded, packed, marked, shipped, transported or imported in violation of the provisions of the Act or these regulations.

(2) The inspector shall attach to one box or bird in any lot placed under detention a numbered detention tag bearing the words "Under Detention—Department of Agriculture" together with a brief description of such lot, the date and the inspector's signature.

(3) Immediately after placing any dressed poultry under detention the inspector shall deliver or mail to the owner of the dressed or eviscerated poultry or his agent a duly completed form of "Notice of Detention", if such dressed or eviscerated poultry is in premises other than those of the owner, a copy of the "Notice of Detention" shall be given to the person in whose premises the poultry is located.

(4) The inspector shall designate in the "Notice of Detention" the premises to which any poultry detained hereunder shall be taken.

(5) When an inspector is satisfied that any dressed or eviscerated poultry detained hereunder complies with these regulations, he may issue a duly completed form of "Notice of Release"; one copy of such "Notice of Release" shall be delivered to the owner or his representative and one copy to the person in possession of the dressed poultry.

(6) Detention tags shall not be removed from any poultry by anyone other than an inspector.

PART XII—IMPORTATION OF DRESSED OR EVisCERATED POULTRY

39. (1) No person shall import dressed or eviscerated poultry into Canada unless such poultry is graded and packed and the boxes marked in accordance with these regulations; no more than twelve birds shall be packed in any one box.

(2) Collectors of Customs and Excise shall not release for delivery any importation of dressed or eviscerated poultry until they have been furnished with a certificate signed by an inspector setting forth that such importation has been inspected as required by these regulations; provided, that where dressed or eviscerated poultry is not properly graded or the boxes properly marked, the Collector of Customs and Excise may permit the importer to forward such shipment to a registered poultry station that has been duly registered under the regulations to be re-graded and re-marked as may be required by an inspector; such certificate shall be attached by the Collector of Customs to the custom entry form and forwarded to the Department of National Revenue, Customs and Excise Division.

(3) A certificate in the following form shall be supplied to the Collector of Customs and Excise at ports of entry before any shipment shall be released for delivery and a duplicate copy of the certificate shall also be mailed by the inspector to the Director of Marketing Service, Department of Agriculture, Ottawa:

CERTIFICATE OF INSPECTION

Imported Dressed Poultry

I a duly authorized Inspector under the "Live Stock and Live Stock Products Act, 1939" do certify that the shipment of poultry described herein has been inspected and certified in accordance with the regulations respecting importations of dressed poultry enacted under the said Act.

Place Date

Name and Address of Importer

Name and Address of Consignor

Country of origin..... Car number.....

Kind and Sub-Kind	No. of Boxes in Grades		No. of Boxes in Grades					Total
	Sp.	A	Sp.	A	B	C	D	
	Milkfed							
.....								
.....								
.....								
Total								

Sgd.....

Inspector's No.....

CERTIFICATE OF INSPECTION

Imported Eviscerated Poultry

I a duly authorized Inspector under the "Live Stock and Live Stock Products Act, 1939" do certify that the shipment of poultry described herein has been inspected and certified in accordance with the regulations respecting importations of eviscerated poultry enacted under the said Act.

Place Date

Name and Address of Importer

Name and Address of Consignor

Country of origin..... Car number.....

Kind and Sub-Kind	No. of Boxes in Grades		No. of Boxes in Grades					Total
	Sp.	A	Sp.	A	B	C	D	
	Milkfed							
Total								

Sgd.....

Inspector's No.....

Live Stock and Live Stock Products Act—Regulations respecting Stockyards

P.C. 4298

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 29th day of September, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of section 13 of The Live Stock and Live Stock Products Act, 1939, 3 George VI, Chapter 47, is pleased to order as follows:

1. The Regulations under The Live Stock and Live Stock Products Act, 1939, with respect to Stockyards, established by Order in Council P.C. 2064 of 27th July, 1939, as amended, are hereby revoked; and

2. The annexed Regulations entitled "Regulations Respecting Stockyards" are hereby made and established in substitution for the Regulations hereby revoked.

A. D. P. HEENEY,
Clerk of the Privy Council.

Regulations Respecting Stockyards

Stockyard Equipment and Accommodation

1. Every stockyard shall be constructed and equipped to provide adequate accommodation for the transaction with convenience, safety and despatch of all business reasonably to be anticipated.

2. The proprietor shall provide:

- (a) sufficient platform space, unloading chutes and chute pens to permit prompt, safe and convenient loading and unloading of live stock;
- (b) reasonable protection for live stock against weather conditions;
- (c) sufficient windows in all buildings to light the same by day and reasonable artificial light by night;
- (d) adequate water supply for live stock conveniently located in pens and stables;
- (e) office accommodation at a reasonable rental for commission merchants, co-operative associations and dealers;
- (f) weigh scales with a type register beam for operation only by a weigh-master approved by the Minister;
- (g) gate locks for all pens. Keys to gate locks shall be entrusted only to employees and agents of the proprietor.

Unloading on Arrival

3. A proprietor shall be responsible for the prompt unloading of all live stock arriving at his stockyard in railway cars unless the owner or his agent otherwise directs, and he shall be responsible for the care and custody of such live stock until he is given a signed release by the owner or his agent.

Care and Custody of Live Stock

4. Every proprietor shall be responsible for the care and custody of all live stock sold on his stockyard from the time such live stock is weighed to a purchaser or for the account of a purchaser, until such live stock has been delivered to the purchaser or his agent or loaded for shipment. Such live stock, until delivered or loaded, shall be penned separately in the name of such purchaser and shall not be mixed with other live stock not the property of such purchaser.

Loading Live Stock

5. Every proprietor shall load live stock into railway cars in accordance with the instruction of the owner or his agent.

Segregation of Deads, Cripples, and Immature Calves

6. Every proprietor shall segregate for disposal as the inspector may require all deads, downers, cripples, immature calves or calves under three weeks of age, or animals the ownership of which is challenged by any Provincial Department of Agriculture.

Careful Handling to Avoid Injury

7. Live stock shall be handled at all times so as to minimize the probability of injury.

Insurance Against Fire

8. Every proprietor shall fully insure and keep insured against loss by fire all live stock in his stockyard.

Record of Live Stock Receipts

9. Every proprietor shall keep an adequate record in such form as the Minister may prescribe showing the origin, owner, number and kind of all live stock in each carload, truckload or other shipment received at his stockyard.

Record of Sales

10. Every proprietor shall keep a record of all sales of live stock in such form as the Minister may prescribe.

Maintenance Rations

11. A proprietor shall, to prevent suffering, provide at the expense of the owner, maintenance rations for all live stock while in his custody.

Feed Supplied by Stockyards

12. Every proprietor on or before the tenth day of each month shall file with the Minister a statement supported by such documentary or other evidence as the Minister may require, showing the average cost as at the first of such month of the several classes of feed and bedding on hand for sale at his stockyard and the prices at which such feed and bedding will be sold during the current month. All such feed and bedding shall be of good quality. All feed shall be subject to inspection by an inspector and if not of suitable quality shall not be used for feed on the stockyard.

Security to be provided by Commission Merchants and Co-operative Associations

13. A proprietor shall not permit a commission merchant or co-operative association to operate on his stockyard until advised by the Minister that security as required by Section 20 of the Act has been deposited with the Department. Such security shall be a guarantee bond of a surety company approved by the Minister in the sum of \$10,000 payable to His Majesty the King and conditioned upon proper accounting and payment by such commission merchant or co-operative association of all monies obtained from the sale of or to purchase live stock and the payment of all properly authorized charges for services rendered.

Security to be Provided by Dealers

14. A proprietor shall not permit a dealer to operate on his stockyard until advised by the Minister that security as provided for in Section 20 of the Act in a sum to be fixed by the Minister has been deposited with the Department, but in no case shall such bond be for less than \$2,000 and shall be conditioned upon proper accounting and payment by such dealer of the purchase price of all live stock purchased by him.

15. If at any time any bond is deemed by the Minister to be insufficient or unsatisfactory, a proprietor, upon receipt of notice to that effect from the Minister or his representative, shall forthwith refuse to the commission merchant, co-operative association or dealer named in such notice the right to carry on business on his stockyard.

Registration of those Authorized to do Business

16. Every proprietor shall file with the inspector at his stockyard the names, addresses and nature of occupation of all persons or associations authorized to transact such business on behalf of such persons or associations and shall notify such inspector immediately in writing of any change in personnel of any such persons or associations or in those authorized to transact business on their behalf.

Shippers' Trust Account

17. Each Shippers' Trust Account as required by Section 26 of the Act shall be deemed to be a collective or bulk trust account for the conduct of its commission business rather than a combination of individual trusts, but no monies shall be paid out of such account other than in accordance with these regulations. No withdrawals shall be made from the Shippers' Trust Account by a commission merchant or co-operative association except for the following purposes:—

- (a) To pay the owner, shipper or consignor of live stock consigned for sale on commission the net proceeds of the sale thereof;
- (b) to pay for live stock purchased on commission order;
- (c) to pay any proper claims or charges for freight, feed, feeding, draying, yardage, insurance or other expenses properly chargeable to the owner, shipper, consignor or buyer of live stock purchased or sold on his behalf, which separate charges shall be shown as such on proper account of purchase or sale rendered to him;
- (d) to pay to an owner, shipper or consignor of live stock consigned for sale on commission after the live stock has arrived at the stockyard, an advance not exceeding 75 per cent of the estimated net value thereof and which shall be shown as such on the account of sale subsequently rendered to him;
- (e) to withdraw earned commissions on money advanced from its own account.

Cheques issued against the Shippers' Trust Account shall be drawn on a special form bearing the name of the commission merchant or co-operative association together with the words "Shippers' Trust Account". No cheque shall be issued against a Shippers' Trust Account unless sufficient funds are available in the account to meet such cheque.

Pooling

18. A commission merchant or co-operative association may appraise live stock into a pool with the consent of the owner, shipper or consignor thereof. The total receipts accruing from the sale of live stock appraised into a pool, less authorized marketing expenses, shall be remitted to the owners, either by distributing the proceeds after all the stock has been sold or by making an advance on account, not to exceed 75 per cent of the appraised value, to be followed by the balance of the proceeds after all the stock has been sold.

General Trading Requirements

19. For every sale or resale of live stock, a scale ticket shall be issued by the weighmaster showing the date, weight, owner, buyer, number, kind, class and price; provided that when live stock is sold by the head, the weight may be omitted. When the sale of live stock is negotiated by a commission merchant or co-operative association or when live stock is purchased by a commission merchant or co-operative association to fill a customer's order, the name of the commission merchant or co-operative association shall be shown on the scale ticket.

20. Every person purchasing live stock at a stockyard to fill a customer's order shall be responsible that the weights and prices shown on the account of purchase rendered to the customer shall be the weights and prices of the identical live stock delivered to such customer.

21. No commission merchant or co-operative association shall sell or permit the sale of live stock consigned for sale, to any employee or member of its firm, partnership or corporation.

22. All purchases and sales of live stock at the stockyard shall be made upon the basis of a *bona fide* bid to buy by the purchaser and the acceptance of such bid by the seller or an offer to sell by the salesman and the acceptance of such offer by the buyer. The price bid or offered and accepted at the time of the transaction shall be the price governing such purchase or sale, and the scale ticket shall be so marked.

23. All terms of any transaction pertaining to the purchase or sale of live stock shall be agreed upon at the time of the purchase or sale, and in no case shall any deduction, change or offset of any nature be claimed or allowed other than such as was specified and agreed upon by the parties at the time.

24. Commission merchants, co-operative associations and dealers shall be responsible for the accuracy of information supplied by them or their employee or agent for entry on the scale tickets.

25. A commission merchant or co-operative association shall not allow any employee to purchase or sell live stock on his own account.

26. Every co-operative association and commission merchant operating on a stockyard shall produce for inspection when required by an inspector any or all orders for purchase of live stock.

27. Every commission merchant or co-operative association shall, on the last business day of each month, file with the inspector located at the stock yard at which they operate a statement showing the total value of daily sales of live stock to every dealer.

Packers' Yards

28. Each packer's yard shall be equipped with scales having a type register beam or other approved recording equipment for the weighing of all live stock purchased either alive or dressed weight.

29. When weighing live stock to be purchased, the weigh scales in packers' yards shall be operated only by weighmasters approved by the Minister.

30. Each packer's yard shall keep a record in such form as the Minister may prescribe of the origin, class, volume, quality and purchase price of all live stock received.

Live Stock and Live Stock Products Act—Regulations respecting the Grading of Veal Carcasses

P.C. 4856

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 11th day of October, 1950.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of The Live Stock and Live Stock Products Act, 1939, is pleased to make the annexed Regulations respecting the Grading of Veal Carcasses, and the said Regulations are hereby made and established accordingly.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations Respecting the Grading of Veal Carcasses**1. In these Regulations,**

- (a) "carcass" means a veal carcass;
- (b) "establishment" means any abattoir, packing house, or other premises in which calves are slaughtered;
- (c) "veal carcass" means the carcass from a young bovine animal, of either sex, which has been dressed as veal, that is to say, the skin has been left on at the time of slaughter and the backbone has not been scribed;

Definitions of Grades**2. The prescribed grades for veal carcasses are as follows:*****Grade A—Choice:***

Carcasses shall have excellent conformation, finish and quality; a blocky compact appearance which shall be more pronounced in the heavier weights; fleshing shall be thick throughout, in proportion to carcass weight; rounds shall be full, the loin plump, the shoulders and breasts broad and thick, the neck short and full, and the shanks short and thick.

Exterior fat shall range from a fairly thick covering over the backs and loins of the heavier carcasses to proportionately less on the lighter weights. There shall be fairly large deposits of interior fats, which shall be white, creamy white, or tinged with pink; the flesh shall be firm and fine grained, and may range from a light grey to a reddish brown colour; the bones shall be soft and reddish.

Grade B—Good:

Carcasses shall have good conformation, finish and quality, being somewhat blocky and compact in appearance, particularly in the heavier weights; fleshing shall be moderately thick throughout, especially the loins and rounds.

Exterior fat covering shall range from a light covering over the back and loins of the heavier carcasses to a very thin covering on the light carcasses.

The interior fat shall range from moderate deposits in the heavier carcasses to small deposits in the lighter ones. The fat shall be creamy white, the flesh moderately firm and fine grained and the colour may range from a pinkish brown to a pale red. The bones shall be moderately soft and red.

Grade C—Commercial:

Carcasses shall have fair conformation, finish and quality, may be slightly rough and rangy, and somewhat narrow throughout; some deficiency in plumpness with some tendency toward depressions and hollows.

There may be very thin small patches of fat over the back and loin and very small deposits of interior fat; bones may be slightly large in proportion to the carcass and may be slightly lacking in redness.

Grade D—Utility:

Carcasses shall have poor conformation, finish and quality; very rough and rangy, narrow and shallow in relation to length, very deficient in fleshing, low proportion of meat to bone throughout, with pronounced hollows and depressions; very little or no outside fat; there may be extremely small deposits of inside fat; flesh may be coarse grained, soft and moist; bones may be large and lacking in redness.

Grade M—Manufacturing:

Carcasses shall have extremely poor conformation, finish and quality; extremely rough and rangy, narrow and shallow; no exterior fat covering and very little or no interior fat; flesh may be coarse and watery. This grade shall include those carcasses below Grade D quality.

3. The grades established by these regulations apply to carcasses either with skin off or skin on at time of grading.

4. Where grading facilities are available at an establishment, carcasses may, at the option of the buyer and the seller, be graded by an inspector in accordance with the prescribed grades.

5. (1) Nothing in these Regulations shall be construed to require carcasses to be graded.

(2) Every inspector who grades carcasses shall grade such carcasses in accordance with these Regulations.

(3) No person shall sell or offer, advertise or hold in possession for sale any carcasses under a grade name established by these Regulations unless the carcasses were graded in accordance with these Regulations.

(4) No person shall by means of a brand or otherwise, apply to any carcasses that were not graded in accordance with these Regulations, and no person shall use in association with such carcasses any grade name or other designation so closely resembling a grade name established by these Regulations that it is likely to be mistaken therefor.

THE MAPLE PRODUCTS INDUSTRY ACT

R.S.C. 1952, c. 172

AN ACT Respecting the Manufacturing, Inspection and the Sale of Maple Products.

Short Title

Short title.

1. This Act may be cited as the *Maple Products Industry Act*, 1945, c. 24, s. 1.

Interpretation

Definitions.

2. In this Act,

Adulterated.

(a) "adulterated" means deteriorated by the addition of any substance to a maple product or the substitution for any maple product or for any part thereof of any colourable imitation;

Colourable imitation.

(b) "colourable imitation" means cane sugar or brown sugar or glucose or any other similar substance or any combination of them to which artificial maple flavour has been added;

Container.

(c) "container" means bottle, can, carton, crate or any other package;

Inspector.

(d) "inspector" means any person designated by the Minister to perform any duty under this Act or the regulations;

Label.

(e) "label" means any legend or descriptive matter or design appearing upon a maple product or upon the container thereof and any printed or written matter that may accompany or pertain to such product;

Manufacturer or packer.

(f) "manufacturer or packer" means a person carrying on the business of buying maple products and packing, bottling, or treating them in any way preparatory to selling them again;

Manufacturing or packing plant.

(g) "manufacturing or packing plant" means the plant or building and equipment used by the manufacturer or packer in the conduct of his business;

Maple product.

(h) "maple product" means any product or preparation prepared directly or indirectly from the sap of the maple;

Maple sugar.

- (i) "maple sugar" means the solid product resulting from the evaporation of maple sap or maple syrup, and may be either in solid blocks or in a more or less pulverized form;

Maple syrup.

- (j) "maple syrup" means syrup made by the evaporation of maple sap or by the solution of maple sugar in water;

Minister.

- (k) "Minister" means the Minister of Agriculture;

Official analyst.

- (l) "official analyst" means any chemical analyst designated by the Minister to examine and analyze samples of any product or substance. 1945, c. 24, s. 2.

Sale of colourable imitations.

3. No person shall manufacture for sale, sell, offer, expose or have in possession for sale any product that is a colourable imitation of a maple product unless such product or the container thereof is legibly marked with the manufacturer's name and address, the ingredients of such product and the words "artificially maple flavoured". 1945, c. 24, s. 3.

Sale of adulterated maple products.

4. No person shall manufacture for sale, sell, offer, expose or have in possession for sale, or ship or cause to be shipped, any maple product that is adulterated. 1945, c. 24, s. 4.

Use of word "maple" restricted.

5. Except as hereinbefore provided or in the trade name or description of artificial maple flavours and extracts, no person shall use the word "maple" alone or in combination with any word, letter or syllable on any label on other than a maple product. 1945, c. 24, s. 5.

Inspectors.

6. There may be appointed in the manner authorized by law inspectors and other officers for carrying out the provisions of this Act and the regulations. 1945, c. 24, s. 6.

Power of inspectors.

7. Any inspector charged with the enforcement of this Act is empowered,—

Entry into premises or conveyances. Entry into hotels, stores, trucks, boats, etc. Taking of samples. Analysis.

- (a) to enter at will and inspect any or all buildings of whatsoever character in connection with any manufacturing or packing plant, sugar camp, or any hotel, restaurant, retail or wholesale store, warehouse, railway car, truck, boat or other conveyance where maple products or imitation maple products are being manufactured or offered for sale or being carried or held for carriage, and to take samples of any substance purporting to be a maple product or a colourable imitation thereof; any sample so taken may be paid for at current prices and sealed in the presence of the producer, manufacturer, proprietor or carrier or his agent; the sample so taken and sealed shall be sent to the Department of Agriculture at Ottawa for analysis or investigation; the person from whom a sample is taken may require that a check sample be taken, sealed and left with him;

Examination of books and records.

- (b) to examine the books or records of manufacturing or packing plants;

Seizure and detention.

- (c) to seize in any place mentioned in paragraph (a) and seal for analysis, inspection or investigation any article which he believes to be an adulterated maple product or intended for adulteration of any maple product or any maple product that is not graded, packed, marked, labelled, produced or held in premises in compliance with the provisions of this Act or the regulations and to dispose of any product or substance so seized as the Minister may direct. 1945, c. 24, s. 7.

Unlawful disposal of detained articles.

8. Any person who, or whose agent or employee, wrongfully removes or sells or otherwise disposes of any product or substance that has been seized by an inspector under authority of paragraph (c) of section 7 or substitutes anything therefor is guilty of an offence under this Act. 1945, c. 24, s. 8.

Obstructing Inspectors.

9. Any person who obstructs an inspector in the performance of his duties, is guilty of an offence under this Act. 1945, c. 24, s. 9.

Registration of manufacturing plants.

10. (1) All manufacturing or packing plants shall apply to the Department of Agriculture at Ottawa for registration.

Licensing of manufacturing plants.

(2) Any manufacturing or packing plant shipping maple products from one province to another or exporting such products shall obtain a licence from the Minister.

Fees. Duration and renewal of licence.

(3) Such licence shall remain in effect until the 31st day of March following the date of issue but shall be renewable from year to year: fees for such licences and renewals shall be fixed by the Minister.

Licensing of sugar camp.

(4) Any sugar camp from which maple products are exported or shipped to another province may be required by the Minister to obtain a licence, which shall be issued without fee.

Powers of Minister.

(5) The Minister may for cause cancel or suspend any licence already issued.

Licence number.

(6) Every manufacturing or packing plant and every sugar camp shall, when licensed, be assigned a licence number for use on labels and containers of maple products.

Special books.

(7) Records, in form prescribed by the Minister, of all maple products purchased and sold together with the name and address of the vendor or purchaser, shall be kept in each manufacturing or packing plant. 1945, c. 24, s. 10.

Use of licence number restricted. Penalty.

11. Any person who unlawfully places, or causes to be placed, any number purporting to be a licence number issued to him under this Act and the regulations on any label or container on or in which any maple product, adulterated maple product or colourable imitation thereof is sold or offered for sale, is guilty of an offence and is, on summary conviction, liable to a fine of not less than twenty-five dollars and costs and not more than three hundred dollars and costs, or to imprisonment for not more than three months, or to both fine and imprisonment. 1945, c. 24, s. 11.

Labels for containers.

12. Containers of maple products for the retail trade shall have clearly and legibly stamped thereon, or upon tags or labels securely attached or firmly affixed thereto, (a) the common name of the product, (b) the net weight of contents, (c) the name and address of the manufacturer or packer or of the sugar orchard, and (d) the licence number, if any. 1945, c. 24, s. 12.

Certificates of official analyst to be evidence.

13. In any prosecution under this Act or the regulations a certificate as to the analysis of any maple product or alleged maple product or colourable imitation thereof signed or purporting to be signed by an official analyst is prima facie evidence of the facts stated in such certificate and conclusive evidence of the authority of the person giving or making the same without any proof of appointment or signature. 1945, c. 24, s. 13.

Production of books and records.

14. Every owner or operator of a manufacturing or packing plant who refuses to produce and submit, when requested by an inspector so to do, the records referred to in subsection 7 of section 10, for examination, or as evidence in any action or prosecution under this Act and regulations, is guilty of an offence under this Act. 1945, c. 24, s. 14.

Regulations.

15. The Minister may make regulations prescribing,—

- (a) the duties of inspectors under this Act and the regulations;
- (b) the types of labels or markings that shall be used on containers of maple products;
- (c) methods of sealing containers of maple products;
- (d) grades and standards for maple sugar and maple syrup or other maple products and the conditions under which and the locations or places where maple sugar and maple syrup or other maple products shall be graded;
- (e) requirements as to cleanliness and sanitation in manufacturing or packing plants or sugar camps;
- (f) chemical and physical properties and requirements of maple products;
- (g) chemical or other methods of determining purity of maple products for use by official analysts;
- (h) fees for inspection and analyses of maple products;
- (i) conditions under which samples may be sent to the Department for analysis or examination; and
- (j) respecting any other matter deemed by him to be necessary for the carrying out of the provisions of this Act. 1945, c. 24, s. 15.

Force and effect of regulations.

16. All regulations made under this Act shall be effective from the date of publication in the Canada Gazette. 1945, c. 24, s. 16.

Penalties for violation of Act or regulations.

17. Except as herein otherwise provided, any person violating any provision of this Act, or of any regulation thereunder, is liable on summary conviction to a fine of not less than ten dollars and not exceeding three hundred dollars and costs, or to imprisonment for a term not exceeding three months or to both fine and imprisonment, and for each subsequent offence to a fine of not less than twenty-five dollars and costs, and not more than five hundred dollars and costs, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment. 1945, c. 24, s. 17.

Fees and fines to Rec. Gen.

18. All fees received for analysis and all fines imposed under this Act shall be paid to the Receiver General of Canada. 1945, c. 24, s. 18.

REGULATIONS

(published in the Canada Gazette of January 26, 1946)

1. In these regulations unless the context otherwise requires
 - (a) "Act" means the Maple Products Industry Act, 1945;
 - (b) "sample" means any lot or quantity of a maple product, imitation or adulterated maple product taken under the provisions of the Act or Regulations thereunder by an inspector.
2. Every manufacturer or packer of maple products shall apply to the Fruit and Vegetable Division, Marketing Service, Department of Agriculture to be registered.
3. Every manufacturer or packer of maple products who ships or transports such products out of the province in which they have been manufactured or out of Canada shall apply for a licence in the prescribed form. Applications for renewal of licences shall be made prior to the 31st day of March in each year. The fee for such licence or renewal thereof shall be \$20.00 payable to the Receiver General of Canada.
4. Every operator of a sugar bush who ships or transports maple products out of the province in which they have been manufactured or out of Canada shall apply for a licence in the prescribed form. Applications for renewal thereof shall be made prior to the 31st day of March in each year. No fee shall be charged for such licence or renewal thereof.
5.
 - (a) Labels on packages containing maple products shall be firmly affixed to the package and shall include all marks required by the Act and these Regulations;
 - (b) All labels shall be submitted in duplicate to the Department for approval before being used. One copy shall be retained by the Department and the other returned either approved or rejected to the owner. Any label, whether approved or rejected, shall be produced for examination by an inspector when required;
 - (c) All required information shall be plainly and distinctly printed in one or other or both of the official languages of Canada and no portion thereof shall be obscured by any design, legend, picture, illustration or wrapper.
6. The common name of a maple product shall appear on the main panel of the main label in one or other or both of the official languages of Canada together with the net weight, the name and address of the manufacturing or packing plant or of the sugar bush and, if licensed, the licence number in a plain and legible size type, reasonably proportionate to the size of the package.
 - (2) The common name of a colourable imitation maple product shall appear on the main panel of the main label in one or other or both of the official languages of Canada together with the names of the ingredients contained therein, the phrase "artificially maple flavoured" and the name and address of the manufacturer or packer in plain and legible size type, reasonably proportionate to the size of the package.
7. When maple products are shipped by a manufacturer, packer, or licensed sugar bush in any package concealing wholly or partially the contents, the package shall be marked with
 - (a) a true and correct description of the contents of the package;
 - (b) the net weight;
 - (c) the licence number; and

- (d) the name and address or in the case of a firm or corporation the firm or corporate name and address of the manufacturer, packer or licensed sugar bush.
- 8. (a) Export shipments to the United States of America of maple products in excess of six gallons of maple syrup or 50 lbs. of maple sugar shall be accompanied by a "Certificate of Analysis" in the form prescribed in these regulations and signed by a qualified chemist;
- (b) Collectors of Customs and Excise shall not permit any shipment to be exported to the United States of America unless it is accompanied by such Certificate of Analysis; provided that carlot shipments of maple products may be so exported if, in lieu of a completed Certificate of Analysis, there is attached thereto or endorsed thereon a signed statement of the importer that the shipment is to be deleaded in his own premises;
- (c) One copy of the Certificate of Analysis if completed, or having the importer's endorsement thereon or attached thereto shall be attached to the Consular Invoice and a copy shall accompany the shipping documents and be detached by or surrendered to the Collector of Customs and Excise at the Canadian frontier port of exit to be attached to the Departmental copy of Form B. 13.
- 9. Packages that have contained maple products shall not again be used for maple products until all marks have been completely removed or erased without affecting the appearance of the package.
- 10. (1) An inspector may, if he has reason to believe that any maple product or colourable imitation or adulterated maple product fails to comply with the provisions of the Act or these Regulations, place same under seizure and affix a detention tag thereto.
- (2) An inspector may seize and detain for disposal as the Minister may direct any article of food found in any premises where maple products are manufactured or stored and which may be used in the manufacture of adulterated maple products.
- (3) An inspector may seize and detain for disposal as the Minister or a Court of competent jurisdiction may direct any equipment which has been or may be used in the manufacture of adulterated maple products.
- (4) An inspector shall place under detention for disposal as the Minister may direct any maple product found to be in any way unfit for food.
- 11. Every manufacturer, packer and sugar bush operator shall observe the following sanitary requirements:
 - (a) All manufacturing or packing plants shall be suitably lighted and ventilated;
 - (b) All operations in connection with the preparation or packing of maple products shall be carried on with strict cleanliness;
 - (c) All appliances including vats, kettles, containers, tables, trucks, machines or other equipment shall be kept clean and sanitary;
 - (d) Employees of any manufacturer, packer or licensed sugar bush operator engaged in handling maple products shall be free of communicable disease;
 - (e) Coverings used by owners or employees to protect their clothing or persons shall be of material easily cleaned and shall be kept clean;
 - (f) Dressing rooms and lavatory accommodation shall be ample and clean and shall be entirely apart from any room or compartment used for the storing or production of maple products;
 - (g) No lavatory, sink or cesspool shall be so situated or maintained as to permit any odours or fumes therefrom to pervade any room where any maple product is being manufactured, prepared or stored.

12. Chemical methods of determining the purity of maple products shall be as defined by the Association of Official Agricultural Chemists.

13. (a) A fee of \$5.00 shall be paid by the applicant to the Receiver General of Canada for the complete analysis of any maple product as to purity and \$2.00 for any partial analysis thereof;

(b) A fee of \$10.00 shall be paid by the owner to the Receiver General of Canada for the complete analysis of any sample of a maple product taken by an inspector and believed to violate the provisions of the Act or these Regulations.

14. (a) Official analysts shall so certify any sample of a maple product submitted by an inspector which is found by him to be adulterated.

(b) Any person who believes that any analysis made by an official analyst of any sample of a maple product submitted by an inspector is in error, may, within twenty days of the date of mailing or delivering of the certificate of analysis to him, notify the Fruit and Vegetable Division, Marketing Service, Department of Agriculture, or an inspector thereof that he intends to present evidence of error in such analysis; otherwise the analysis shall be taken as accurate.

15. (1) Every manufacturer or packer shall keep an accurate record, in a special book for the sole purpose, of the quantity in gallons or pounds of all maple products purchased or sold by him together with the date of the purchase or sale, the name and address of the person from or to whom the maple product was purchased or sold and the name of the railway or steamship company or other carrier by which it was carried.

(2) True copies of all entries in such book shall be submitted on request to the Fruit and Vegetable Division, Marketing Service, Department of Agriculture, or an inspector thereof.

16. Maple syrup shall not contain more than 35 per cent of water. A gallon of maple syrup shall weigh not less than 13 lb. 2 oz. and shall contain 277.274 cubic inches.

17. Maple Sugar shall consist entirely of the solid or pulverized product resulting from the evaporation of maple sap or of maple syrup, and shall contain not more than ten (10) per cent of water.

18. Maple Butter shall consist entirely of the product of maple sap and shall contain not more than fifteen (15) per cent of water.

19. Maple Cream shall consist entirely of the product of maple sap and shall contain not more than fifteen (15) per cent of water.

20. Maple Wax shall consist entirely of the product of maple sap and shall contain not more than fifteen (15) per cent of water.

21. (1) The following shall be the grades for maple syrup when offered for sale, sold, exposed or held for sale under a grade designation:—

(a) *Canada Fancy* shall consist of maple syrup weighing not less than 13 pounds 2 ounces per gallon and containing not more than 35 per cent of water; not darker than No. 3 Standard colour solution standardized spectro-photometrically (very light amber); and with a mild characteristic maple flavour free from any trace of fermentation.

(b) *Canada Light* shall consist of maple syrup weighing not less than 13 pounds 2 ounces per gallon and containing not more than 35 per cent of water; not darker than No. 6 standard colour solution standardized spectro-photometrically (light amber); and with a mild characteristic maple flavour free from any trace of fermentation.

(c) *Canada Medium* shall consist of maple syrup weighing not less than 13 pounds 2 ounces per gallon and containing not more than 35 per cent of water; not darker than No. 9 standard colour solution standardized spectro-photometrically (slightly darker than amber); and with a characteristic maple flavour free from any trace of fermentation.

- (d) *Canada Dark* shall consist of maple syrup weighing not less than 13 pounds 2 ounces per gallon and containing not more than 35 per cent of water; may be darker than the No. 9 standard colour solution; of characteristic maple flavour, but with a trace of fermentation or sappiness permitted.
22. The following shall be the grades for maple sugar when offered for sale, sold, exposed or held for sale under a grade designation:—
- (a) *Canada Light* shall consist entirely of the solid or pulverized product resulting from the evaporation of maple sap or of maple syrup and shall contain not more than 10 per cent of water, light amber or straw colour and with a mild characteristic maple flavour;
- (b) *Canada Medium* shall consist entirely of the solid or pulverized product resulting from the evaporation of maple sap or of maple syrup and shall contain not more than 10 per cent of water, slightly darker than amber or straw colour and with a characteristic maple flavour;
- (c) *Canada Dark* shall consist entirely of the solid or pulverized product resulting from the evaporation of maple sap or of maple syrup and shall contain not more than 10 per cent of water, may be dark in colour and with a characteristic maple flavour.
23. Any Certificate of Analysis purporting to be signed by an official analyst under this Act shall be *prima facie* evidence of the facts cited in such Certificate and conclusive evidence of the authority of the person giving or making the same without any proof of appointment or signature.

THE MEAT AND CANNED FOODS ACT

R.S.C. 1952, c. 177

AN ACT respecting the inspection of Meats and Canned Foods.

Short Title

Short title.

1. This Act may be cited as the Meat and Canned Foods Act. R.S., c. 77, s. 1.

Interpretation

Definitions.

2. In this Act,

"Can", "canned fish or shellfish".

- (a) "can" and "canned fish or shellfish" includes any hermetically sealed glass bottle, package or container, and any fish or shellfish processed or preserved in the usual way packed in such can, bottle, package or container; also lobster meat cooked for sale, fresh or frozen, and packed in a can, bottle, package or other container, but not preserved to keep, as is the case with lobster meat processed or preserved in the usual way;

"Canned foods".

- (b) "canned foods" includes foods except fish and shellfish that have been preheated, cooked, preserved, condensed, evaporated, dehydrated, dried, or otherwise processed or prepared for food, and are placed in any closed can, bottle, package, or container;

"Carcasses".

- (c) "carcasses" means the carcasses of cattle, sheep, swine, goats, game or poultry;

"Dry meat".

- (d) "dry meat" means the meat of shellfish contained in a can that has been processed and allowed to cool thoroughly and is opened and upturned for not less than one minute and not more than one and one-half minutes so as to permit free drainage of the liquor therefrom;

"Establishment".

- (e) "establishment" means any abattoir, packing house or other premises in which such animals are slaughtered, or in which any parts thereof or products thereof, or fish or shellfish, or fruit, or vegetables, or any food or food product that may be named by the Governor in Council are prepared for food for export or are stored for export;

"Export".

- (f) "export" means export out of Canada, or out of any province to any other province thereof;

"Farmer".

- (g) "farmer" means a person whose recognized occupation is that of farming, and who slaughters only such animals as are fed by him on his own premises;

"Fish".

- (h) "fish" does not include shellfish and crustaceans;

"Food".

- (i) "food" includes every article used for food or drink by man, and every ingredient intended for mixing with the food or drink of man for any purpose;

"Inspector" or "Inspecting Officer".

- (j) "inspector" or "inspecting officer" means an inspector appointed under this Act;

"Minister".

- (k) "Minister" means the Minister of Agriculture;

"Regulations".

- (l) "regulations" means regulations made under this Act;

"Shellfish".

- (m) "shellfish" includes crustaceans. R.S., c. 77, s. 2; 1939, c. 19, s. 1; 1940-41, c. 6, s. 1.

Administration of Act.

3. The administration of any part of this Act may be assigned by the Governor in Council to any Minister other than the Minister of Agriculture, and in such case the Minister to whom such assignment is made has the same powers with respect to the part of this Act to him assigned as the Minister of Agriculture now has. R.S., c. 77, s. 3.

Regulations*Regulations.*

4. The Governor in Council may make such orders and regulations, not inconsistent with the provisions of this Act, as to him seem necessary for the carrying out of the provisions of this Act. R.S., c. 77, s. 4.

Appointments*Inspectors and other officers.*

5. There may be appointed in the manner authorized by law such inspectors and other officers as are necessary for carrying out the provisions of this Act. R.S., c. 77, s. 5.

Inspection and Marking*Inspection.*

6. (1) All animals intended for slaughter in any establishment shall be inspected as provided by the regulations.

Slaughtering establishment.

(2) No animal shall be allowed to enter the parts of an establishment where slaughtering is carried on, unless it has undergone such inspection. R.S., c. 77, s. 6.

Diseased animals.

7. Every animal affected, or suspected of being affected, with contagious or other disease, shall be slaughtered under the supervision of the inspector and shall be disposed of as provided by the regulations. R.S., c. 77, s. 7.

Inspection of carcasses.

8. All carcasses and portions thereof of all animals, wherever slaughtered, intended for export, shall be inspected as provided by the regulations. R.S., c. 77, s. 8.

Slaughtering by farmers.

9. Unless the Minister otherwise directs, upon the report of an inspector, animals owned by farmers and slaughtered by them on their own premises, are not subject to inspection under the provisions of this Act. R.S., c. 77, s. 9.

Healthy carcasses to be marked.

10. (1) Every carcass, or portion thereof, found to be healthy and fit for food, shall be marked by an inspector in such manner as is provided by the regulations.

Owner may deal with carcasses.

(2) The carcass, or portion thereof, may then be dealt with as the owner thereof sees fit, subject to the further supervision of the inspector. R.S., c. 77, s. 10.

Inspection of meat products.

11. (1) Every carcass, or portion or product thereof, prepared for food in any establishment and packed in cans or similar receptacles, or in any package whatever, shall be subject to inspection during the whole course of preparation and packing.

Marking of meat products.

(2) After all the requirements of this Act regarding inspection have been complied with, and not until then, all such packages shall be marked by an inspector in such manner as is provided by the regulations. R.S., c. 77, s. 11.

Reinspection.

12. (1) The inspector may at any time reinspect a carcass, or any portion or product thereof, in order to ascertain whether, subsequently to the first inspection thereof, it has undergone decomposition, or has otherwise deteriorated, or has been tampered with or adulterated by the use of preservatives or otherwise.

(2) Every carcass, or portion or product thereof sent out of an establishment, and returned thereto for any purpose, shall not be again sent out therefrom without reinspection. R.S., c. 77, s. 12.

Unhealthy meat, disposal of.

13. Every carcass, or portion or product thereof, found upon inspection or reinspection, to be unhealthy or unfit for food, or which contains such ingredients or preservatives as may render it unfit for food, shall be marked by the inspector in such manner as is provided by the regulations, and shall thereupon be deemed to be condemned as unfit for food and shall be disposed of as provided by the regulations. R.S., c. 77, s. 13.

Sale, etc., of unhealthy meat. Penalty.

14. (1) Any person slaughtering, or permitting the slaughtering of, animals and selling, or offering for sale or transportation, for food purposes, for export, a carcass, or any portion or product thereof, that is unhealthy or unfit for food, is guilty of an indictable offence and liable to one year's imprisonment.

Second offence.

(2) Every one who is convicted of this offence after a previous conviction for the same crime is liable to two years' imprisonment. R.S., c. 77, s. 14.

Exemption from inspection.

15. The Governor in Council may, upon application of the owner thereof, exempt any establishment from the operation of sections 6 to 8, and of sections 10 to 14. R.S., c. 77, s. 15.

Inspection of packages.

16. (1) All articles prepared for food in any establishment and packed in cans or similar receptacles, or in any package whatever, are subject to inspection during the whole course of preparation and packing.

Marking of packages.

(2) All such packages shall be marked with

- (a) the initials of the christian names, the full surname, and the address, or, in the case of a firm or corporation, the firm or corporate name and address, of the packer, or of the first dealer obtaining them direct from the packer who sells or offers the said articles for sale, and such dealer shall, upon the request of an inspector appointed under this Act, disclose the name of the packer of such article; and
- (b) a true and correct description of the contents of the package.

Exemption.

(3) Where it is established to the satisfaction of the Governor in Council that such marking would hinder the sale of any of said articles in foreign markets or in the markets of Great Britain, he may exempt such articles from the provisions of this section. R.S., c. 77, s. 16.

Fish and Shellfish*Inspection of fish and shellfish and canneries.*

17. (1) Fish and shellfish intended for canning and the canneries in which fish and shellfish are packed shall be inspected as provided by the regulations.

Power to prescribe fees for inspection.

(2) The Governor in Council may from time to time prescribe a tariff of fees that shall be charged for the inspection of canned fish and shellfish. 1935, c. 31, s. 1; 1940-41, c. 6, s. 2.

Packs subject to inspection.

18. (1) All fish and shellfish packed in cans are subject to such inspection as may be provided by this Act and the regulations during the whole course of preparation and packing and thereafter as required by the regulations.

Cans to be labelled.

(2) All such cans shall be labelled with

Name and address of packer or dealer.

- (a) the christian names or the initials thereof, the full surname and address, or, in the case of a firm or corporation, the firm or corporation name and address, of the packer or of a dealer obtaining them from the packer, and

Cans to be labelled with true description of contents.

- (b) a true and correct description, plainly and conspicuously printed, of the contents of the can including the vernacular name and, in the case of fish, the minimum weight in avoirdupois of the contents and, in the case of shellfish unless it is otherwise provided by the regulations, the minimum weight in avoirdupois of the dry meat in the can.

Governor in Council may exempt.

(3) Where it is established to the satisfaction of the Governor in Council that the labelling of the cans of fish or shellfish as prescribed by this section hinders the sale of the same in markets outside of Canada, he may exempt such cans of fish or shellfish as are exported to such markets from any or all of the provisions of this section. R.S., c. 77, s. 18; 1940-41, c. 6, s. 3; 1946, c. 57, s. 1.

Misleading marks.

19. No false or misleading mark or name shall be placed on any can of fish or shellfish, whether the same relates to the place where the fish or shellfish has been caught or canned, or to the kind of fish or shellfish, or any other particular relating to the same. R.S., c. 77, s. 19.

Copy of labels to be sent to Minister.

20. The owner or manager of every fish or shellfish cannery shall supply the Minister with a copy of each kind of label used in the cannery, and every dealer obtaining canned fish or canned shellfish direct from the packer shall supply the Minister with a copy of each kind of label used by him on such canned fish or canned shellfish. R.S., c. 77, s. 20.

Stopping of canning.

21. Any inspector may at any time stop the canning of any particular fish or shellfish or of any variety of fish or shellfish that he considers unfit for human food. R.S., c. 77, s. 21.

Must be fit.

22. (1) All canned fish and shellfish shall be sound, wholesome and fit for human food.

Confiscation.

(2) Any unsound fish or shellfish found during the process of preparing and packing, and any unsound canned fish or shellfish found at any time thereafter, as provided by the regulations, may be seized and confiscated on view by any inspecting officer and dealt with as required by the regulations.

Inspector may take samples.

(3) An inspecting officer is entitled to take away from any parcel, whether for export or otherwise, samples for inspection in accordance with the requirements of this Act. R.S., c. 77, s. 22; 1940-41, c. 6, s. 4.

Regulations fixing grades of canned lobster.

23. (1) For the purposes of this Act the grades of canned lobster shall be as designated by regulation and, if the need for such is established to the satisfaction of the Governor in Council, canned lobster shall be classified, inspected and labelled as provided in the regulations.

Grades for canned fish or shellfish.

(2) The Governor in Council may also by regulation establish grades and other requirements for canned fish or shellfish that may be presented for grading. 1946, c. 57, s. 2.

Regulations fixing varieties and grades of B.C. salmon.

24. For the purposes of this Act the varieties of British Columbia salmon shall be designated and, if the need for such is established to the satisfaction of the Governor in Council, graded as provided in the regulations. R.S., c. 77, s. 24.

Enforcement of Act and Regulations.

25. (1) In the event of the provisions of this Act or of any regulation, or the lawful instructions of inspecting officers, not being complied with in any fish or shellfish cannery, the Minister may order the fish or shellfish cannery to be closed.

Closing unsanitary canneries.

(2) Any cannery in which the sanitary conditions are being neglected may be immediately closed by the inspecting officer until the defects are remedied. R.S., c. 77, s. 25.

Imported canned fish to be labelled.

26. (1) All cans of fish or shellfish imported into Canada shall be correctly labelled so as to indicate in a plain and conspicuous manner

- (a) the kind and quality of their contents;
- (b) the minimum weight in avoirdupois of the contents of the cans in the case of canned fish and of the dry meat in the can in the case of canned shellfish;
- (c) the place of origin; and
- (d) the name and address of the person, firm or corporation by whom they are packed or by whom they are imported.

Origin to be shown.

(2) Canned fish or canned shellfish imported into Canada to be exported again need only be labelled to show the country of origin.

No false mark.

(3) No false or misleading mark or designation of the kind or variety of the contents shall be shown on any can of fish or shellfish imported for sale in Canada.

Duty of Customs Officers.

(4) No canned fish or shellfish shall be admitted into Canada by any officer of the Customs unless labelled in accordance with the provisions of this section and labelled to conform to such requirements as the Governor in Council may by regulation prescribe. R.S., c. 77, s. 26; 1939, c. 19, s. 2; 1940-41, c. 6, s. 6.

When liable to seizure.

27. Any can of fish or shellfish that bears any false or misleading mark or is incorrectly labelled or marked and not labelled or marked in accordance with this Act or of the regulations, may be seized by any inspector, or by any Customs, excise or police officer or by any constable, and shall be confiscated to Her Majesty by any two justices of the peace or by any magistrate having the powers of two justices of the peace, if it is found that the label or marking is intended or calculated to deceive. 1934, c. 38, s. 1.

General*Fish, fruit, vegetables, food and products thereof, to be fit for food.*

28. (1) All fish, fruit, or vegetables or products thereof, or any food or food products that may be named by the Governor in Council, under the provisions of this Act, used in any establishment where these articles are prepared for export, shall be sound, wholesome, and fit for food.

Unwholesome articles to be confiscated.

(2) Any such articles or products thereof found in such establishment unsound or unwholesome shall be confiscated and destroyed in such manner as may be provided by the regulations.

Canned fruit or vegetables or food to be offered for sale in prescribed containers only.

(3) All canned fruit or vegetables or products thereof, or any food or food products including canned fish and shellfish that may be named by the Governor in Council, shall be offered for sale only in such cans or other containers as the

Governor in Council may by regulations prescribe, and such cans or containers must contain the quality, quantity or weight prescribed by the regulations. R.S., c. 77, s. 28; 1940-41, c. 6, s. 7.

Inspection of sanitary conditions.

29. (1) An inspection and close supervision of the sanitary conditions of all establishments shall be maintained, and they shall be conducted, under such conditions, sanitary and otherwise, as may be prescribed by the regulations.

No inspection where conditions unsanitary.

(2) The inspector shall refuse to inspect or mark articles in any establishment where the sanitary conditions are not in accordance with the regulations. R.S., c. 77, s. 29.

Withdrawal of inspector and closing of establishment for violation of Act, etc.

30. In the event of the provisions of this Act, or any regulations, or the lawful instruction of an inspector, not being complied with in any establishment, the Minister may

- (a) withdraw the inspector therefrom,
- (b) refuse to it the inspection, marking, and certification of the articles prepared therein, and
- (c) cause the establishment to be closed. R.S., c. 77, s. 30.

Sale in violation of Act.

31. No person shall offer or expose or have in his possession for sale any article subject to inspection under this Act unless all the requirements thereof respecting the article have been complied with. R.S., c. 77, s. 31.

Exports or imports of uninspected articles.

32. No person shall offer or accept for export or import, or shall export or import, any articles subject to inspection under this Act, unless the requirements regarding inspection and marking have been complied with in respect to such articles. R.S., c. 77, s. 32.

Proof of compliance with regulations.

33. Every person offering or accepting for export or import, or exporting or importing,

- (a) any carcass, or portion or product thereof,
- (b) fruit or vegetables, or products thereof, or
- (c) food or food products named by the Governor in Council under the provisions of section 35,

shall furnish such proof as is required by the regulations as to whether the articles so offered or accepted for export or import, or exported or imported, are subject to inspection or not. R.S., c. 77, s. 33.

Proof of inspection to accompany imports.

34. (1) No carcass, or portion or product thereof, intended for food shall be imported into Canada unless proof satisfactory to the Minister accompany it that the same has passed Government inspection in the country of origin.

Further inspection.

(2) Any such carcass, or portion or product thereof, imported into Canada is subject to such further inspection, and shall conform to such requirements as the Governor in Council may by regulation prescribe. R.S., c. 77, s. 34.

Imported or exported articles to conform to requirements.

35. No fish, fruit or vegetables or products thereof, or food or food products which may be named by the Governor in Council, shall be imported

into Canada or exported from Canada unless they conform to such requirements as the Governor in Council may by regulation prescribe. R.S., c. 77, s. 31.

Forfeiture.

36. Any carcass, or portion or product thereof, or fruit or vegetable or products thereof, or food or food product, that does not conform to the requirements of such regulations shall, upon condemnation by any inspector, be forfeit to Her Majesty, and may be disposed of as the Minister may direct. R.S., c. 77, s. 36.

False marking of name.

37. (1) No article subject to inspection under this Act shall be offered or sold for export or import, or exported or imported, under any name intended or calculated to deceive as to its true nature.

(2) No package containing any article subject to inspection under this Act shall be marked with any label, brand or mark which falsely represents

Weight.

(a) the quantity or weight or contents of such package, or

Date.

(b) the date when the articles or goods contained therein were packed.
R.S., c. 77, s. 37.

Tampering with marks. Penalty.

38. Every person who, without authority, wilfully and wrongfully

(a) uses or imitates any mark, tag, label or certificate placed on or attached to any article in accordance with the provisions of this Act or of any regulation;

(b) removes, alters, effaces or obliterates, or causes to be removed, altered, effaced or obliterated, wholly or partially, any such mark, tag, label or certificate;

shall incur a penalty of one hundred dollars. R.S., c. 77, s. 38.

Inspector's certificate as evidence.

39. For the purposes of this Act, the certificate of an inspector or other officer appointed under this Act, or any mark applied under this Act, is prima facie evidence of the matter that it purports to establish. R.S., c. 77, s. 39.

Inspector's powers.

40. (1) Any inspector or other officer appointed under this Act, may, at any time, for the purpose of carrying into effect any provision of this Act,

(a) enter any place or premises, or any steamship, vessel or boat, or any carriage, car, truck, horse-box or other vehicle used for the carriage of articles subject to the provisions of this Act, and

(b) require to be produced for inspection, or for the purpose of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading or other papers.

(2) Such inspector or other officer shall, if required, state in writing the grounds for his action in so doing. R.S., c. 77, s. 40.

Offences and Penalties

Obstructing inspector.

41. (1) Every person who refuses to admit, or who obstructs or impedes, an inspector or other officer acting in execution of this Act, or of any order or regulation made by the Governor in Council or the Minister hereunder, and every person who aids and assists him therein, shall, for every such offence, incur a penalty not exceeding five hundred dollars.

Inspector may apprehend.

(2) The inspector or other officer may apprehend the offender and take him forthwith before a justice of the peace to be dealt with according to law.

Detention.

(3) No person so apprehended shall be detained in custody, without the order of the justice, longer than twenty-four hours. R.S., c. 77, s. 41.

Unlawful removal.

42. Every person who moves, or causes or allows to be moved, any animal, or any article in violation of the provisions of this Act, shall, for every such offence, incur a penalty not exceeding five hundred dollars. R.S., c. 77, s. 42.

Bribery of inspector.

43. The provisions of the Criminal Code respecting the bribery and corruption of officials or employees of the Government extend to all inspectors and other persons appointed to carry out the provisions of this Act. R.S., c. 77, s. 43.

Other violations of Act.

44. Every person who violates any provision of this Act, or of any regulation made by the Governor in Council or by the Minister under the authority of this Act, in respect to which no penalty is hereinbefore provided, shall for every such offence, incur a penalty not exceeding five hundred dollars. R.S., c. 77, s. 44.

Apprehension of offenders.

45. (1) Any inspector or constable may, without warrant, apprehend any person found committing an offence against the provisions of this Act, and shall take any person so apprehended forthwith before a justice of the peace to be examined and dealt with according to law.

Detention.

(2) A person so apprehended shall not be detained in custody, without the order of a justice, longer than twenty-four hours. R.S., c. 77, s. 45.

Return.

46. Any inspector or constable may require that any animal or any article moved in violation of the provisions of this Act be forthwith taken back within the limits of the place whence it was moved, and may enforce and execute such requisition at the expense of the owner of such animal or article. R.S., c. 77, s. 46.

Place of committing of offence.

47. Every offence against this Act, or against any order or regulation of the Governor in Council or of the Minister, shall for the purposes of proceedings under this Act, or of any such order or regulation, be deemed to have been committed, and every cause of complaint under this Act, or any such order or regulation, shall be deemed to have arisen, either in the place in which it actually was committed or arose, or in any place in which the person charged or complained against happens to be. R.S., c. 77, s. 47.

Recovery of penalties.

48. Every penalty imposed by this Act is recoverable, with costs, before any two justices of the peace, or any magistrate having the powers of two justices of the peace, under the provisions of the Criminal Code relating to Summary Convictions. R.S., c. 77, s. 48.

THE CANNED FISH REGULATIONS

Meat and Canned Foods Act—Regulations Governing the Inspection
of Canned Fish and Shellfish and the Operation of Canneries

P.C. 5701

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of the Meat and Canned Foods Act, Revised Statutes of Canada, 1927, chapter 77, is pleased to order as follows:

1. The Regulations governing the inspection of canned fish and shellfish and the operation of canneries, established by Order in Council P.C. 5364 of 31st December, 1947, as amended, are hereby revoked; and

2. The annexed "Regulations governing the Inspection of Canned Fish and Shellfish and the Operation of Canneries" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

REGULATIONS GOVERNING THE INSPECTION OF CANNED FISH AND SHELLFISH AND THE OPERATIONS OF CANNERIES

In these regulations unless the context otherwise requires,

"Minister" means the Minister of Fisheries.

"sardine" means any small clupeoid fish.

"processing" means the sterilization and necessary cooking of the contents of the cans in a steam retort, after they are filled and closed.

"swells" means cans, the tops and bottoms of which bulge outwards some time after being processed, as a result of bacterial spoilage.

"dead-heads" means cans with such large leaks in them that they do not bulge during processing.

"fat cans" means cans of sardines that are overfilled and closed so quickly that the surplus contents cannot escape.

"do-overs" means canned fish or shellfish reprocessed in new cans.

"flipper" means a can one end of which bulges with or without jarring after being processed and cooled, due to over-filling or failure to exhaust the can.

"lobster" means the shellfish known as "Homarus", or any part of such shellfish.

"clams" (Atlantic Coast) means soft-shell, longneck or squirt clams (*Mya Arenaria*); bar clams (*Macra Solidissima*); and quahaugs or hardshell clams (*Venus Mercenaria*).

"brine" or "pickle" means a solution of common salt (sodium chloride) in clean fresh water or, clean sea water with or without the addition of salt.

"brogueing" means the venting of a heated can to permit the escape of air therefrom and immediately closing the vent by means of solder.

"laboratory" means the Canned Fish Inspection Laboratory of the Department of Fisheries, including Canned Fish Inspectors employed therein.

"Canned Fish Inspector" means and includes the Chief Chemist and the Senior Laboratory Assistants employed in the Laboratory.

"finnan haddie" means canned smoked haddock, or smoked cod, or smoked cusk, or smoked hake, or smoked pollock, or any combination of the above.

"chicken haddie" means canned haddock, or cod, or hake, or cusk, or any combination of the above, which has not been ground.

"tomalley" or "tomali" means a by-product of lobster, the ingredients of which have not been ground to a smooth consistency.

"fish cannery" or "shellfish cannery" means any building or premises where "cans" and "canned fish or shellfish", as defined by Section two of the Meat and Canned Foods Act, are packed, processed or prepared for market.

"inspecting officer", "local fishery officer" or "inspector" shall mean any Supervisor of Fisheries, Fisheries Inspector or Fisheries Official authorized by the Minister to undertake the enforcement of these regulations.

"Fish Inspection Laboratory" means the Fish Inspection Laboratory (Atlantic Coast) of the Federal Department of Fisheries, including the officers and inspectors employed therein, who are appointed under authority of Section 5 of the Meat and Canned Foods Act.

"canned lobster" means the meat of the shellfish known as "Homarus" after canning.

"lobster paste" means a ready-to-use by-product of lobster which may contain filler and which may be designated by other trade names.

"filler", as permitted in the preparation of Lobster Paste, means cereals and/or edible fats.

"drained weight" means the weight in avoirdupois of any fish contained in a can, after being processed and allowed to cool, and after the can has been opened and the liquid in it allowed to drain away freely for not less than one minute and not more than one and one-half minutes.

"flaked fish" means canned haddock, or cod, or hake, or cusk, or any combination of the above, which has not been ground.

"export" means to send, ship or otherwise convey or cause to be sent, shipped or otherwise conveyed from or out of any province of Canada to any place outside that province.

Cannery Sanitation and Operating Methods

1. Canning operations shall be conducted in a building or a separate portion of a building maintained exclusively for canning purposes or for manufacturing cans; but during the time that canning is not being carried on the building may be used for storage or other purposes not injurious to its use as a cannery, subject to the approval of an inspecting officer.
2. (a) Canneries and the wharves, stages and houses used in connection therewith and all vehicles and containers shall at all times be kept in a clean sanitary condition and canneries shall have effective ventilation satisfactory to the inspecting officer.
(b) The ground and the beach connected with and under control of any cannery under and within twenty-five yards of either side of any cannery shall be kept free from all objectionable matter.
3. There shall be provided at each fish or shellfish cannery separate flush toilets or latrines for male and female employees which shall be kept in a clean and sanitary condition satisfactory to the inspecting officer. Provided, that in connection with canneries where the waters adjacent to the cannery are used for retaining live shellfish or used within the cannery, flush toilets or latrines shall not empty or be emptied into the water. At such canneries latrines shall be equipped with zinc or galvanized receptacles to fit closely under each seat and such receptacles must be emptied daily and thoroughly cleansed with a suitable disinfecting solution.
4. (a) All canneries shall have an abundant supply of clean water.
(b) If the water supply is from a dug well, such well must be properly protected above the surface with cement to save it from becoming contaminated.

- (c) If the water supply is from a bored well, such well must be properly cased to save it from becoming contaminated.
- 5. (a) The washing of fish, or shellfish meat, for canning purposes shall be done under running water, either clean fresh water or clean sea water, from a source approved by an inspecting officer.
- (b) Tables, equipment and all utensils used in connection with the operation of fish or shellfish canneries shall be thoroughly washed with clean boiling water immediately after each day's operations, and the floor shall be thoroughly washed with clean hot water or steam at least once each day the cannery is in operation.
- 6. (a) Can fillers or packers shall thoroughly wash their hands with soap and warm water before beginning to fill or pack. This shall be done also on each occasion following a stoppage of filling or packing for any reason, and all operators shall wear an overall apron or coat and a suitable cap to cover the hair, all of which shall be thoroughly washed before each day's use.
- (b) When gloves are used in filling and packing they shall be thoroughly washed before use each day.
- 7. Wash basins supplied with hot and cold water and soap together with clean towels shall be provided at convenient places in all canneries for the use of employees.
- 8. Where fish or shellfish meat is packed by hand it shall be conveyed to the fillers or packers in individual trays and the contents of each tray shall be packed before the contents of another tray are used. Each tray shall be thoroughly washed when emptied and sterilized at least twice each day during packing operations. Flakes that are used for cooking fish in sardine canneries shall be thoroughly cleaned, at least twice each day that packing operations are carried on, by means of mechanically operated brushes or other equally effective method.
- 9. (a) Before sealing adequate measures shall be taken to create a vacuum of at least four inches (mercury) after the can has been processed and cooled; provided that this requirement shall not apply to flat, drawn cans. In all cases the can must be hermetically sealed.
- (b) All fish and shellfish in hermetically sealed cans shall be so processed as to make sure that the contents are thoroughly sterilized.
- (c) All cans shall be inspected for defects as soon as they are removed from the retort and all defective cans withdrawn.
- (d) Dead-heads shall be immediately repacked in new cans and reprocessed.
- (e) Flippers shall be either brogued and reprocessed or reprocessed in new cans.
- (f) Swells shall be immediately destroyed.
- 10. (a) No children under eight years of age nor any dogs shall be allowed inside a cannery.
- (b) No person shall be employed in a cannery who has any infectious or contagious disease.
- 11. (a) 1. In the Provinces of Quebec, New Brunswick, Nova Scotia and Prince Edward Island, no person shall can fish or shellfish for export except under permit from the Minister issued for each cannery operated by such person.
- 2. The Minister may grant such permit if he is satisfied that the sanitary, operating and other conditions of the cannery, and all other requirements prescribed by the Meat and Canned Foods Act and the Regulations, are complied with.
- 3. A canner to whom such permit has been issued shall be assigned a permit number for each cannery operated by him. Such number shall not be used by any other canner.

4. The permit number so assigned shall be embossed on all cans of fish and shellfish unless the Minister exempts the canner from this requirement, which he may do if he is satisfied that such canner markets only his own product under his own label and that daily sampling for quality is carried out in respect thereof and that the canner is able at any time to identify the pack so marketed.
 5. Such permits shall be issued subject to the cannery attaining and maintaining the minimum mark of 70 per cent for construction and sanitation, and 70 per cent for equipment and operating methods as determined by the use of a grading form approved by the Minister.
 6. A provisional permit may be issued by the Minister authorizing the operation of a fish or shellfish cannery for not more than one week from the commencement of canning operations, to provide for the cannery being graded. If, upon grading, the cannery should fail to attain the required minimum marks mentioned in paragraph 5 of this sub-section, or in the case of a lobster cannery, the marks mentioned in paragraph (1) of sub-section (b) of this section, such provisional permit shall immediately terminate.
 7. Paragraphs 3, 4 and 5 of this subsection shall not apply to the canning of lobster.
- (b) Permits for canneries in which canned lobster, tomalley or lobster paste are packed shall be issued under the following restrictions and conditions:
1. That the cannery has been graded and has obtained a minimum of 75 marks for Construction and Equipment and a minimum of 85 marks for Operating Methods and Cannery Sanitation, as determined by the use of a grading form approved by the Minister;
 2. That each can of canned lobster, tomalley or lobster paste, packed under the permit shall be embossed with the letter "L" and the number of the permit and, furthermore, that each can of tomalley or lobster paste so packed shall be embossed with the letter "T". For the purpose of this Section, it shall be considered that there has been intent to deceive if any can of lobster, tomalley or lobster paste has not been so embossed, and such can shall be subject to seizure and confiscation under the authority of Section 27 of the Meat and Canned Foods Act. No one shall buy, sell, ship, export or have in his possession any can of canned lobster, tomalley or lobster paste, unless such can is embossed as required by this Section. Any can of canned lobster, tomalley or lobster paste that is not so embossed shall be subject to seizure and confiscation under the authority of Section 27 of the Meat and Canned Foods Act.
 3. Each case or carton of canned fish or shellfish, before being removed from the cannery in which the cans were packed shall be marked on one end, in a plain and conspicuous manner, with the registered mark and/or number of the cannery or the permit number of the lobster cannery; provided that where the name and address of the packer is clearly shown on the case or carton such registered mark and/or number or permit number need not be shown.
- (c) The Department of Fisheries may furnish to the owner of each cannery where canned lobster, tomalley or lobster paste is packed, as a condition of the cannery permit, one embossing machine for marking cans as required by this Section. Such machine shall be the property of the Department of Fisheries and shall be returned to the Department by the permittee at the termination of each canning season at the request of any inspecting officer. It shall be unlawful to use any such embossing machine except for the purpose stated herein or to use such machine to emboss cans other than those that are packed under the cannery

permit, provided that any packer may elect to have cans embossed as required by this Regulation by a can manufacturer, in which case, however, the size of the letters and numbers embossed and the form of embossing must conform in detail to the requirements of this section.

- (d) Application for a permit to operate a fish or shellfish cannery shall be made in writing to the inspecting officer in whose district the cannery is located. Such officer may obtain for the applicant at his request plans of a suitable cannery layout, technical advice on canning methods and information as to the adequacy and suitability of water supply.

- (e) Permits for canneries in which fresh or frozen lobster meat is produced shall be issued subject to the conditions set forth in Section 34 of these Regulations.

- (f) Permits for canneries in which "chicken haddie" and mackerel are packed shall be issued under the following conditions and restrictions:

That the canner shall have available an adequate supply of ice from an approved source for icing down mackerel and fish for packing chicken haddie as soon as these come under his control.

- (g) All fish and shellfish canneries shall be equipped with a steam retort.

- (h) All fish and shellfish canneries shall be equipped with a steam boiler.

12. (a) The floors of all canneries shall be watertight and sloped to a drain or drains which shall carry away all drainage to a point below high water mark.

- (b) The portion of the drain inside a cannery connecting with the drain to high-water mark may be constructed of wood lined with galvanized iron and made watertight by soldering the joints so as to be sanitary and easily flushed. The portion of the connecting outside drain to high-water mark may also be of wood or wood lined with galvanized iron and made watertight, provided that canneries built over the water may have direct drainage from the tables to the tide water underneath and suitable openings in the floor to carry off the flushing or other water.

- (c) No floor or part of a floor of any cannery shall be of earth.

13. (a) The inside bottom of fishing boats and smacks carrying fish or shellfish to be canned, except of those carrying sardines and/or herring, shall be either lined or fitted with a flooring in such manner as to keep the fish or shellfish free from bilge or other offensive water. The use of bags for carrying such fish or shellfish is prohibited.

- (b) Lobsters must be removed from the boiling vats immediately after they have been properly boiled.

- (c) The water in the boiling vats shall not be used for boiling more than two batches of lobsters.

14. All sinks or receptacles for holding fish or shellfish meat in the course of packing shall be of non-corrosive rust-resisting materials, excepting wood, or of galvanized iron free from rust.

15. Coolers in shellfish canneries shall be covered with galvanized iron, zinc, or rust-resisting wire allowing of thorough cleansing, and steaming. It is preferable that the sides and bottoms of coolers be open to permit quick drainage and cooling.

16. (a) In localities where it is impracticable to keep lobsters alive in the water adjacent to the cannery, lobsters which have been cooked after four o'clock in the afternoon of any one day may be allowed to remain on the coolers until the following day but shall be packed and processed before ten o'clock in the forenoon. Shellfish meat that has been removed from the shell shall be immediately packed and processed. No such meat shall be allowed to remain in an unpacked or unprocessed condition overnight. Lobsters which are weak or dead shall be regarded as unfit for human food and shall not be used for canning purposes.

- (b) The cracking block must be of smooth wood and must be steamed or boiled daily in clean water and kept odourless.
- (c) Cannery tables on which cooked fish or shellfish meat is handled shall be covered with rust-resisting, non-corrosive metal or other impervious material, provided that wooden table tops may be used if impregnated to make them waterproof to the satisfaction of the inspecting officer. Such tables shall have proper drainage and all joints shall be watertight.
- (d) Over the tables for handling fish or shellfish in canneries that are not provided with a sheeted and painted ceiling there shall be canopies of suitable material to prevent dust, etc., from falling on the tables.
- (e) Outside doors, windows and other openings of canneries, operating between June 15 and November 1 in any year, shall be properly screened and the screens maintained to exclude flies and other insects.
- (f) In the preparation and canning of tomalley, only the liver (green), roe, meat from the legs, thumbs and body, and other edible parts of the lobster that are fresh, clean and sound, shall be used. The gills, guts, stomach, shell particles, cartilage or other unsuitable or unsound parts of the lobster shall not be used. The use of filler or other ingredients in the preparation and canning of tomalley is prohibited.
- (g) In the preparation and canning of lobster paste, only those parts of the lobster permitted in the preparation of tomalley under sub-section (f) of this section shall be used. The lobster paste shall be ground to a smooth consistency, shall be of uniform colour, and may contain filler, not exceeding two per cent by weight of the finished paste. Spices and artificial colouring may be added.
- (h) Each batch of tomalley or lobster paste shall, within two hours of the time the raw material is steamed or boiled, be packed sealed and processed. All cans must be filled so as to leave no excessive head space.

17. Offal from canneries in British Columbia, including waste, entrails, parts, scales, etc., shall be carried away from the cleaning tables or cleaning machinery in watertight receptacles. It shall be either deposited below low-water mark or removal in scows or retained in boxes or chutes for removal in scows. If retained in boxes or chutes such boxes or chutes shall be high enough to enable scows to be placed under them at any stage of the tide.

Canneries on the Atlantic coast shall have suitable receptacles, satisfactory to the inspecting officer for offal and all such receptacles shall be regularly emptied and thoroughly cleansed and limed during March and April and daily during the balance of the season.

- 18. (a) Sardines containing what is commonly known as "red feed" shall be regarded as unfit for human food.
- (b) Sardines and/or herring to be ground and canned for human consumption shall be gutted, headed, tail trimmed, scaled and washed.
- (c) In the canning of mussels, so-called pearls and the byssus (a tendril growing from mussels to fasten them to a fixed object) shall be entirely removed.
- (d) In the canning of soft-shelled clams, the dark coloured portion of the so-called neck and all the mantle cover shall be removed.
- (e) Clams or mussels which contain excessive amounts of green algae shall not be canned.
- (f) In the canning of chicken haddie or flaked fish, large hake, commonly known as "dark hake" or "sow hake", shall not be used.
- (g) In canning clam juice, only the strained natural liquid obtained by cooking live clams shall be used.

- (h) In the preparation of Atlantic tuna for canning, the well bled fish shall be thoroughly precooked and in the packing, edible oil shall be added to each can in the proportion of at least one-half ounce of oil to seven ounces of cooked meat.
- (i) 1. Canned flaked Atlantic tuna shall be packed from small wholesome pieces of cooked light meat and shall be labelled as "flaked" or "grated" or "shredded" tuna or with similar designations to distinguish it from solid pack.
- 2. Canned tuna packed from the dark meat shall be labelled: "TUNA DARK MEAT" in letters of equal size.
- 19. (a) Fish or shellfish found, during the process of preparing and packing, to be unsound or unfit for human food may be seized and confiscated on view and destroyed by any inspecting officer.
- (b) Canned fish or shellfish found at any time to be unsound or unfit for human food shall be seized by any inspecting officer and subject to appeal for reinspection may be confiscated on view and destroyed. If a proportion of cans in any one case or cases of canned fish or shellfish is found, after adequate test, to be unsound or unfit for human food the whole may be seized, confiscated and destroyed. For this purpose samples shall be withdrawn from the suspected lot in accordance with the schedule set forth in Section 37(a). Two such sets of samples shall be withdrawn, one to be submitted to the Fish Inspection Laboratory, and the other to be retained by the inspector pending further instructions.
- (c) Canned fish or shellfish which do not conform to the requirements of these Regulations as to quality, shall be deemed unsound and may be seized and confiscated on view by any inspecting officer, and be disposed of as the Minister may direct.

Sizes of Cans

- 20. (a) (1) There shall be four sizes of cans used for canning lobsters; namely, those commonly known as three, six, nine and twelve ounce cans. The cans of each size, in the order named, shall contain not less than three, six, nine and twelve ounces drained weight. Such cans may be labelled to show the weight of meat contents in accordance with the requirements of this section.
- (2) No other size of can shall be used for canning lobster without the written permission of the Minister. Such written permission shall state the net weight of lobster meat each size of can so authorized shall contain; and each such can may be labelled to show the weight of meat contents in accordance with the requirements of this section.
- (b) (1) There shall be one size of can used for canning clams or mussels in Prince Edward Island, Nova Scotia, New Brunswick and Quebec; namely, four inches in height and two and eleven-sixteenths of an inch in diameter. Each can shall contain not less than five ounces drained weight.
- (2) For export out of Canada, the Minister may grant a permit authorizing the use of other sizes of cans used for canning clams or mussels: such permit shall specify the size of can authorized to be used and the minimum drained weight of the contents thereof.
- (c) Except when packed for export outside of Canada, there shall be two sizes of cans used for canning chicken haddie and finnan haddie; namely, those commonly known as "one flat" and "half flat" cans. The one flat can shall contain not less than fourteen ounces avoirdupois nor less than thirteen ounces drained weight; and the half flat can shall contain not less than seven ounces avoirdupois nor less than six and one-half ounces drained weight.

Minimum Weights

21. (a) The following minimum weights, in ounces avoirdupois, of the contents of each size of can used in the canning of fish designated in this section are hereby established.

	Can size	Min. net weight	Min. drained weight
(1) Flaked Fish	lb. tall	14	13
	1 flat	14	13
	½ flat	7	6½
(2) Mackerel	lb. tall	15	12½
	1 flat	15	12½
(3) Mackerel Fillets	lb. tall	15	12
	1 flat	15	12
	No. 1 picnic	10	8
(4) Herring and Gaspereau	lb. tall	15	12½
	1 flat	15	12½
	lb. oval	13	10¾
	No. 1 picnic	10	8

- (b) For other sizes of cans than those provided for in this section and in the previous section, whether for export or not, the Minister may establish the minimum net weight and drained weight of contents of each size of can used in the canning of fish or shellfish, for which "Standards of Quality and Grade" have been herein designated.

Underweights

22. (a) If a proportion of the cans in any case or cases of a particular lot of canned lobster, clams, mussels, chicken haddie, finnan haddie, herring, mackerel or mackerel fillets, packed on the Atlantic Coast, is found to contain less than the weight prescribed by these Regulations for each size of can, and in the case of fish or shellfish other than the kinds mentioned above which contain less than the weight shown on the label, the whole lot may be seized and held by an inspecting officer and, subject to reinspection, be disposed of in the following manner:
- (i) Two sets of samples shall then be withdrawn from the cans under seizure, one set to be submitted to the Fish Inspection Laboratory for weight test, and the other set to be held by the Inspector making the withdrawal pending further instructions. The average short-weight of the underweight samples shall be deemed to be the short-weight of the cans under seizure.
 - (ii) If the lot has been found underweight by the Fish Inspection Laboratory, each can under seizure shall be labelled as required by the Meat and Canned Foods Act and these Regulations and each label shall be plainly marked with the words "Contents . . . ounces Shortweight". The seized goods may then be returned to the owner or packer under a certificate issued by the inspecting officer who made the seizure. The shipment or transfer of canned fish or shellfish marked as required by this section shall be accompanied by certificate to its final destination. Such certificate shall show the number of packages covered by it and the name and address of the packer, consignor and consignee.
- (b) Unlabelled cans of fish or shellfish, seized and ordered to be held as being underweight shall not be moved, caused or allowed to be moved, by the packer or owner, or his agent, from the premises where the cans were ordered to be held unless permission has first been given by direction of the Minister and the shipment or transfer is accompanied by a certificate issued by the inspecting officer who gave the order to hold the cans.

General

23. (a) If a dispute should arise between an inspecting officer and the packer or owner of canned fish or shellfish as to the condition, quality or weight of the contents of the can after canning, such packer or owner may appeal to the Minister who may order a reinspection and such reinspection shall be final: Provided however, that there shall be no appeal unless the Minister is satisfied that the identity of the goods under appeal has been carefully preserved. Provided further that, if deemed necessary for the preservation of identity, the goods under appeal may be removed by an inspecting officer to a place of safe-keeping. No appeal shall be granted unless applied for within thirty days after the dispute arises.
- (b) Notwithstanding anything herein contained, the Minister may, at any time, order a reinspection of any lot of canned fish or shellfish wherever situated.
- (c) The schedule of withdrawals as set forth in Section 37 of these Regulations, shall also apply to sampling for any inspection, by the Fish Inspection Laboratory.

24. Except as herein otherwise provided, cans of fish or shellfish that are to be exported for sale in markets outside of Canada are hereby exempted from the labelling provisions of Section 18 of the Meat and Canned Foods Act, and may be exported without labels or with such labels as the buyer in the country of destination may desire, provided that such labels comply with the laws of the country of destination; provided further that the lid of every can of salmon, whether for export or not, shall be embossed with the word "Canada".

25. Collectors of Customs shall not clear any importation of fish or shellfish preserved for food in cans, or such like hermetically-sealed containers, unless such shipment is accompanied by an affidavit taken before a Justice of the Peace or other person duly authorized in the country of origin to administer oaths, in the following form:

Place.....

Date.....

I (or we) hereby swear that the shipment described herein was manufactured from sound raw materials, and that its manufacture was carried on under proper sanitary conditions, and under proper supervision; that the products are, at the time of shipment, sound, wholesome and fit for human food; that the containers show thereon the name and address of the packers, or of the importer, the place of origin, a true description of the contents and the weight as required by Section 26 of the Meat and Canned Foods Act, of the Dominion of Canada.

.....
(Signature and Address of Packer or Shipper)

Name and address of Consignee

No. of packages

No. of containers in such package

Name of product

Sworn to before me this day of 19

.....
(Signature of Commissioner or Justice of the Peace)

All importations of fish or shellfish preserved for food in cans, or such like hermetically-sealed containers, shall be subject to such inspection in the Dominion of Canada as may be deemed necessary or advisable and any such fish or shellfish that does not conform to the declaration required in this regulation shall, upon condemnation by a properly authorized inspector, be forfeited to His Majesty and may be disposed of as the Minister may direct.

Canned Salmon

26. British Columbia salmon when packed in cans shall be designated as follows:—

- (a) Sockeye Salmon (*Oncorhynchus nerka*) as "Sockeye".
- (b) Quinnet, Spring or King Salmon (*O. tshawytscha*) as either "Fancy Red Spring", "Standard Red Spring" or "White Spring" in accordance with colour of flesh.
- (c) Coho or Silver Salmon (*O. kisutch*) either as "Coho" or "Silver Salmon". In addition thereto the name "Medium Red" or "Red" may be used.
- (d) Humpback Salmon (*O. gerbuscha*) as "Pink".
- (e) Dog Salmon (*O. keta*) as "Chum" or "Qualla" or "Keta".
- (f) Steelhead (*Salmo gairdneri*) as "Steelhead" or "Sea Trout".
- (g) Provided that the name "Blueback" may be used to designate the fish locally known as such, and whose flesh is not quite so red as that of sockeye, but redder than that of pinks.
- (h) Provided further that tips and tails may be packed separately, but shall be designated as such.
- (i) When the words "Fancy", "Choice", "Standard", "Red", "Medium Red", or other similar designations are shown on labels of canned salmon, the name of the variety of salmon shall be shown close to such words and in letters equally large and conspicuous.
- (j) The words "Fancy", "Choice", "Standard", or other similar designations shall not be shown on labels of canned salmon that fail to qualify for the certificate provided in Section 27(a) of these Regulations.

**Regulations for the Inspection and Classification of Canned Salmon and
Canned Herring Packed in British Columbia**

27. (a) All canned salmon and canned herring shall be inspected and for such as conform to the requirements of paragraph (a) of Section 28 of these Regulations a certificate of inspection will be issued before it passes from the control of the producer and before it is delivered to a buyer or agent for sale in either the Canadian or foreign market. This certificate shall be in accordance with the report of the Laboratory and shall be signed by the Chief Supervisor of Fisheries for the Province, or by an officer authorized by the Minister to sign for him.
- (b) Each shipment of canned salmon or canned herring to a destination outside Canada shall be inspected on a public wharf or in a public warehouse at the port of final shipment from the Province.
- (c) Each shipment of canned salmon or canned herring for a destination in Canada shall be inspected at the port of final loading in British Columbia, when shipped by water, or in public warehouse, where the railway cars are loaded and sealed, if shipped by railway, provided that, where canneries or private warehouses of the producers are connected by railway siding with a railway system of Canada, inspection may be in the said canneries or private warehouse if the railway cars are to be loaded at and despatched from the said canneries or private warehouses direct to destinations in Canada.
- (d) Each day's pack of canned salmon shall be identified by code marking the cans during the canning process in such a manner as to show the species of salmon contained therein, the date of canning and the name of the packer; and all canned herring shall be similarly identified to show the date of canning and name of the packer.

- (e) On all canned salmon the first letter of the code marking shall represent the species of salmon as follows:

Sockeye	S
Pinks	P
Cohoos	C
Chums	K
Spring	T
Bluebacks	B
Steelhead Trout	H

- (f) Cans containing salmon tips and tails only shall, in addition to the foregoing code marking, be embossed with the words "Tips and Tails" in letters at least three-sixteenths of an inch in height, and the word "Canada" shall not appear.
- (g) Each day's pack of canned salmon when cased, shall show on the cases the same identification mark, as to species, as is on the cans contained therein.
- (h) Each day's pack of canned herring shall be identified by code marking the cases in which the cans are boxed for transport in such a manner as to show the date of canning, the name of the packer, and the name of the cannery at which packed, such code marking to be prefixed by the letters "B.C.H."
- (i) Application for inspection of any parcel or parcels of canned salmon or canned herring shall be made in writing to the Chief Supervisor of Fisheries for the Province. Inspection shall be made as promptly as possible, but the Department of Fisheries shall not be responsible for any delays. The application shall show:

The number of cases of each species of canned salmon or the number of cases of canned herring in the parcel or parcels and the name of the cannery in which it was packed;

The warehouse or cannery in which the canned salmon or canned herring is;

The identification marks on the parcel or parcels of canned salmon or canned herring.

28. (a) Canned salmon that are found by the Laboratory to be fresh, firm, well packed and in good merchantable condition shall be approved and a certificate in the form of Appendix "A" hereto shall be issued therefor; and canned herring that are found by the Laboratory to be of fair average quality, well packed and in good merchantable condition shall be approved and a certificate in the form of Appendix "B" hereto shall be issued therefor.
- (b) No certificate shall be issued for canned salmon or for canned herring that are found by the Laboratory to be sound, wholesome and fit for human food but that are below the requirements of the immediately foregoing paragraph. These, however, may be reconditioned and presented for re-examination within six months of the date of their original inspection. No certificate shall be issued for cans containing salmon tips and tails.
- (c) Notwithstanding the provisions of Section 24 of these Regulations before any parcel of canned salmon, which has failed to qualify for a certificate, but which has been found by the Laboratory to be sound, wholesome and fit for human food, is shipped from the port of final shipment, the cannery or the private warehouse of the producer as the case may be, there shall be permanently attached to each can an additional cover fitted tightly inside the rim and completely soldered all round the edge, on which shall be embossed in letters at least three-sixteenths of an inch in height the designation "Grade B".

The additional cover shall be attached at the end of the can on which the word "Canada" is embossed. Should the word "Canada" appear on both ends of the can then an additional cover, as described above, shall be attached on both ends of the can.

- (d) Before any parcel of canned herring which has failed to qualify for a certificate, but which has been found by the Laboratory to be sound, wholesome, and fit for human food, is shipped from the port of final shipment, the cannery or the private warehouse of the producer as the case may be, each can thereof shall be labelled, and the wording of such labelling shall include the description "Grade B" in conspicuous letters, not less than three-sixteenths of an inch in height; and in addition both ends of the cases in which such cans are boxed shall be conspicuously marked by the designation "Grade B" immediately beneath the code marking required by Section 27 (h) hereof.

Salmon tips and tails if graded by the Laboratory as "Grade B" shall be so marked as provided above.

Parcels of salmon that have been classified by the Laboratory as "Grade B" shall be submitted for final examination after additional Grade B covers have been attached. A canner, if he so desires, may provide himself with empty cans previously embossed on the bottom with the designation "Grade B" in place of the word "Canada" in which to pack salmon of a quality which in his judgment would not be passed by the Laboratory as above that grade.

When cans containing Grade B salmon are labelled, they shall be so labelled that the top of the label will be at the end bearing the designation "Grade B".

- (e) Parcels of canned salmon, including tips and tails, found by the Laboratory to require an additional cover or covers, as provided in paragraph (c) hereof, or parcels of canned herring which have been classified by the Laboratory as "Grade B" shall not be moved from where they were sampled whether for reconditioning or any other purpose until the canner has obtained a permit from the Chief Supervisor of Fisheries. When the canner has obtained such a permit, he shall keep the Chief Supervisor advised of the movement of such parcels until the Grade B covers have been attached in the case of canned salmon or for canned herring until the requirements of paragraph (d) hereof have been fulfilled to the satisfaction of the Chief Supervisor.
- (f) Canned salmon or canned herring that are found by the Laboratory not to be sound, wholesome and fit for human food shall be confiscated and destroyed or may be used by the Department of Fisheries for purposes other than human food.
29. (a) In the event of the Laboratory decision being challenged by the canner of a parcel of salmon or herring failing to obtain a Certificate the said canner may appeal to the Minister who may order a reinspection which shall be final. There shall be no appeal unless the Minister is satisfied that the identity of the parcel in dispute has been carefully preserved. The final reinspection shall be made by three qualified persons, one of whom shall be selected by the Chairman of the Salmon Canners' Operating Committee in British Columbia, one by the appellant and the other by the Chief Supervisor of Fisheries for British Columbia.
- (b) The remuneration for conducting a reinspection under appeal shall be five dollars to each of the three persons appointed as provided above. If the reinspection on appeal confirms the decision on the original inspection the cost of reinspection shall be paid by the appellant, but if the original decision is not confirmed the cost shall be paid by the Department of Fisheries. The Chief Supervisor of Fisheries shall take the initiative in constituting the appeal board in each case.
30. (a) Withdrawals from any parcel of canned salmon or canned herring submitted for inspection shall be made by the Laboratory or by its direction in the following manner:

When parcels contain from 26/50 cases, a minimum of 6 cases shall be withdrawn;

When parcels contain from 25/50 cases, a minimum of 6 cases shall be withdrawn;

When parcels contain from 51/100 cases, a minimum of 12 cases shall be withdrawn;

When parcels contain from 101/500 cases, a minimum of 18 cases shall be withdrawn;

When parcels contain from 501/1,000 cases, a minimum of 24 cases shall be withdrawn;

When parcels contain from 1,001/5,000 cases, a minimum of 48 cases shall be withdrawn;

When parcels contain from 5,001/10,000 cases, a minimum of 96 cases shall be withdrawn.

- (b) One can from each such withdrawn case shall be opened and examined, and if the Laboratory is satisfied, the lot may be classified on the condition of the cans examined. The Laboratory is, however, not restricted to this scale. If it is not satisfied as to the quality of the parcel by the withdrawals made, it may withdraw as many cases therefrom and open as many cans as it may deem necessary to satisfy itself as to how the lot should be classified.

31. A fee at the rate of one-half cent per case of forty-eight one-pound cans, or the equivalent thereof, shall be charged for the inspection of each parcel of canned salmon or canned herring. In instances where inspection is made or samples are withdrawn by direction of the Laboratory at a cannery or private warehouse of the producer, in addition to this fee the producer shall also pay the actual travelling and living expenses incurred by the Canned Fish Inspector or his sampler in making the sampling or inspection. This fee and the aforesaid expenses shall, within thirty days of the date of inspection, be paid by the applicant to the Receiver General of Canada through the Chief Supervisor of Fisheries for the Province on all parcels inspected; also, no inspection certificate shall be issued before the fee and expenses are paid.

32. Where code markings are provided for by Section 27 of these Regulations the producer shall furnish the Chief Supervisor of Fisheries for the Province with a key to his code for each cannery each year at least thirty days prior to the date on which canning operations will be begun therein.

Regulations for the Inspection and Classification of Canned Salmon Imported into Canada

33. (a) Each shipment of canned Pacific salmon imported for sale in Canada shall be inspected by the Laboratory.
- (b) All shipments of canned Pacific salmon imported for sale in Canada shall enter through a British Columbia port only.
- (c) On arrival of any shipment of canned salmon at a British Columbia port of entry the Collector of National Revenue for such port shall notify the Chief Supervisor of Fisheries for the Province of its arrival. The said Collector of National Revenue shall hold the shipment until it has been inspected and classified by the Laboratory and, if necessary, any or all cans therein have been marked as hereinafter required.
- (d) Imported canned salmon that are found by the Laboratory to be fresh, firm, well packed and in good merchantable condition shall be approved.
- (e) Imported canned salmon that are found by the Laboratory to be sound, wholesome and fit for human food, but that are below the requirements of paragraph (d) hereof, shall have permanently attached to each can an additional cover fitted tightly inside the rim and soldered in not less than four places, on which shall be embossed in letters at least three-sixteenths of an inch in height the designation "Grade B".
- (f) Imported canned salmon that are found by the Laboratory not to be sound, wholesome and fit for human food shall not be cleared for importation but may be returned to the shipper.

- (g) The provisions of Section 29 of these Regulations shall apply in the event of the Laboratory's decision being challenged by an importer of a parcel of salmon failing to secure approval.
- (h) Withdrawals from any parcel of imported canned salmon for inspection purposes shall be made as prescribed in Section 30 of these Regulations.
- (i) A fee at the rate of one-half cent per case of forty-eight one-pound cans, or the equivalent thereof, shall be charged for the inspection of each parcel of imported canned salmon. In instances where inspection is made or samples are withdrawn by direction of the laboratory at a point in British Columbia other than Vancouver, in addition to this fee the importer shall also pay the actual travelling and living expenses incurred by the Canned Salmon Inspector or his sampler in making the sampling or inspection. This fee and the aforesaid expenses shall be paid by the applicant to the Receiver General of Canada through the Chief Supervisor of Fisheries for the Province and no shipment of imported canned salmon shall be released by a Collector of National Revenue until such fee and expenses are paid.

Regulations for the Inspection and Marking of Fresh and Frozen Lobster Meat

34. (a) All canneries for the purpose of cooking and preserving lobster meat for sale, either in the fresh or frozen state, shall be subject to inspection by an inspecting officer duly authorized to undertake such work, and shall be subject to all the sanitary requirements for canneries as provided in the Meat and Canned Foods Act and the Regulations made thereunder. In addition, all lobster meat cooked and preserved for sale in a fresh or frozen state in such canneries must be washed only in running water from a potable supply meeting the standards approved by the Department of National Health and Welfare.
- (b) All cooked lobster meat to be sold as "fresh lobster meat" shall, after being packed, be immediately chilled to and maintained at a temperature of not more than 45° Fahrenheit nor less than 32° Fahrenheit. All cooked lobster meat to be sold as "frozen lobster meat" shall be sharp frozen and maintained at a temperature of 10° Fahrenheit or less.
- (c) All containers of fresh or frozen lobster meat shall be marked or labelled with,—
- Name and address of packer.
 - Registered mark and/or number of the cannery where packed.
 - The words "Fresh Lobster Meat" or "Frozen Lobster Meat".
 - The net weight in avoirdupois of Lobster meat.
- (d) If it is established to the satisfaction of the Minister that the marking or labelling of containers of fresh or frozen lobster meat, as prescribed by this section, hinders the sale of the same in markets outside of Canada, he may, upon request of the packer or owner, exempt such containers of fresh or frozen lobster meat as are exported to such markets from any, or all, of the provisions of paragraph (c) of this section, provided that the number of the cannery permit shall be legibly marked on the container.
- (e) After cooking, each batch of lobsters shall be immediately cooled by means of cold clean water and if not packed within one hour, shall be stored at a temperature not warmer than 45° F.

Regulations for the Grading of Canned Fish and Shellfish and the Labelling of Graded Canned Fish and Shellfish

35. Canned fish and shellfish, for which standards of quality have been established, may be graded by the Fish Inspection Laboratory, on application made by a holder of a Canned Fish and Shellfish Grading Permit. To obtain such permit the applicant shall furnish, on a form provided by the Department,

evidence that will satisfy the Minister that he is established in the Canned Fish or Shellfish Industry on the Atlantic Coast, and has sufficient warehousing, labelling and shipping facilities to handle a minimum of five hundred cases of canned lobster each of ninety-six half-pound cans, or the equivalent thereof, or a minimum of one thousand cases of canned fish or shellfish other than lobster, each of forty-eight one-pound cans or the equivalent thereof, during the calendar year covered by the permit and that he agrees to conform to the requirements of these Regulations.

36. Application for the grading of each parcel of canned fish or shellfish shall be made by the holder of a Canned Fish and Shellfish Grading Permit, or his agent, hereinafter called the Applicant, in writing on a form provided by the Department, to the Fish Inspection Laboratory at Halifax, N.S. The application shall show:

- (a) The kind of canned fish or shellfish, the number of cases and the number and size of cans contained therein, that are to be graded;
- (b) The warehouse where the cases are stored;
- (c) The embossed cannery permit number on the cans of lobster, or the registered mark and/or number of the cannery in the case of canned fish or shellfish other than lobster;
- (d) The warehouse lot or code number of the parcel to be graded.

37. (a) Withdrawals from any parcel of canned fish or shellfish submitted for grading shall be made by the Fish Inspection Laboratory or by its direction in the following manner:

When the parcel contains up to 100 cases, a minimum of 12 cases shall be withdrawn;

When the parcel contains 101/500 cases, a minimum of 18 cases shall be withdrawn;

When the parcel contains 501/1,000 cases, a minimum of 24 cases shall be withdrawn;

When the parcel contains over 1,000 cases, a minimum of 48 cases shall be withdrawn;

- (b) At least one can from each such withdrawn case shall be opened and examined, and if the Fish Inspection Laboratory is satisfied, the lot may be graded on the condition of the cans examined. If the Fish Inspection Laboratory is not satisfied with the withdrawals made, it may withdraw as many cases and open as many cans as may reasonably be required to determine the grade as prescribed by these regulations. For the purpose of this section, a case shall contain forty-eight cans.
- (c) Cans submitted for examination shall be supplied to the Fish Inspection Laboratory by the applicant and delivered thereto, at his expense.

Standards of Quality and Grade—Lobster

38. (a) (1) "Extra Fancy Quality" canned lobster shall be packed in tall cans from select stock of whole, sound, firm, well-washed claws and tails only. The gut shall be removed from all tails. The can contents shall be properly and uniformly arranged, the tails in "cup" or "coil" fashion, and the claws clapboard style, darker side up. They shall be free from fine meat, leg and thumb meat, guts, shell pieces, scrap meat and inedible parts. The contents shall have a characteristic odour and flavour, shall be free from discoloration and shall show not more than traces of blood. The liquid shall be clear and the pigment of the meat bright and natural.
- (2) "Fancy Quality" canned lobster shall be packed from sound, firm, well-washed claws and tails and clean arm and body meat, the gut shall be removed from all tails. The white meat may be slightly straw coloured. The can contents shall be properly and uniformly arranged, the tails in "cup" or "coil" fashion, the claws clapboard style, with not more than one-third (by count) of the claws and

tails torn or broken and not more than one-fifth (by count) of the claws light side up. Practically all the fine meat shall be in the centre of the can. The amount of fine meat shall not exceed one and three-quarter ounces for six-ounce cans and a proportionate amount for other size cans. It shall be free from leg and thumb meat, guts, scrap meat and inedible parts and not more than one-tenth of the cans may contain shell pieces. The can contents shall have a characteristic odour and flavour, shall be free from discoloration, and shall show not more than traces of blood. The liquid shall be reasonably clear and the pigment of the meat bright and natural.

- (3) "Standard Quality" canned lobster shall be packed from sound lobster meat which may be slightly soft, slightly straw coloured and shall be reasonably free of blood. The gut shall be removed from all tails. The can contents shall be reasonably well arranged with not more than one-half (by count) of the claws and tails torn or broken. Practically all the fine meat shall be in the centre of the can. The amount of fine meat shall not exceed two ounces for six-ounce cans and a proportionate amount for other size cans. It shall be reasonably free from thumb and leg meat, free from guts, scrap meat and inedible parts, and not more than one-fifth of the cans may contain shell pieces. The odour and flavour may be weak. There shall be no more than traces of discoloration. The liquid may be slightly cloudy and the red pigment slightly dull.
- (4) All parcels or lots of canned lobster falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Chicken Haddie

- (b) (1) "Fancy Quality" chicken haddie shall be packed from fresh, sound, well-washed and white-naped fish. The can contents shall be firm. The odour and flavour of the can contents shall be appetizing and characteristic of sound fish. The colour of the meat shall be practically white. The cans may not contain more than traces of bones and skin particles and the contents shall be entirely free from discoloration, fork marks and other defects. The can shall be paper lined.
- (2) "Standard Quality" chicken haddie shall be packed from sound fish. The can contents may be slightly soft. The odour and flavour of the can contents may be weak and the flavour may be flat or salty. The colour may be slightly dark, with no more than traces of discoloration. The can contents shall be reasonably free of bones, skin particles and fork marks. The cans shall be free of other defects to the satisfaction of the Fish Inspection Laboratory.
- (3) All parcels or lots of canned chicken haddie falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Mackerel Fillets

- (c) (1) "Fancy Quality" canned mackerel fillets shall be packed from fresh, sound, firm, well-washed mackerel, from which the fins and the entire backbone have been removed. In packing in tall cans, the fillets shall be cut to a length corresponding to the inside height of the can, shall be packed uniformly and any small pieces shall be enclosed in the centre. The odour and flavour of the can contents shall be characteristic of canned fresh mackerel. The contents shall be firm and the light-coloured portions of the meat shall be practically white.
- (2) "Standard Quality" canned mackerel fillets shall be packed from reasonably fresh and sound, well-washed mackerel, from which the

entire backbone has been removed. In packing tall cans, the pieces of fillets shall be packed uniformly and any small pieces shall be enclosed in the centre. The can contents may be slightly soft and the "white meat" may be slightly dark. The odour and flavour may be weak and the flavour may be flat or salty.

- (3) All parcels or lots of canned mackerel fillets falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Mackerel

- (d) (1) "Fancy Quality" canned mackerel shall be packed from fresh, sound, firm, well-washed mackerel from which fins and all blood along the backbone have been removed. The fish shall be cut into pieces of a length corresponding to the inside height of the can, and all small pieces shall be packed in the centre of the can. The odour and flavour of the can contents shall be characteristic of canned fresh mackerel. The contents shall be firm, the light-coloured portion of the meat practically white and the liquid reasonably clear and light in colour.
- (2) "Standard Quality" canned mackerel shall be packed from reasonably fresh and sound, well-washed mackerel, from which most of the blood along the backbone has been removed. Practically all small pieces shall be packed in the centre of the can. The contents may be slightly soft and the "white meat" and liquid slightly dark. The odour and flavour may be weak and the flavour may be flat or salty.
- (3) All parcels or lots of canned mackerel falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Herring (Plain) in Tall Cans

- (e) (1) "Fancy Quality" canned plain herring shall be packed from fresh, sound, well-washed, gutted fish, from which heads, tails, blood and scales have been removed. The contents shall be firm and the odour and flavour characteristic of canned fresh herring. The fish shall be cut to a length corresponding to the inside height of the can. All small pieces shall be packed in the centre of the can. The cans shall be enamel lined.
- (2) "Standard Quality" canned plain herring shall be packed from reasonably fresh, sound, well-washed fish, from which heads, tails, blood, scales and most of the viscera have been removed. The contents shall be reasonably firm, and there shall be no stale, rancid and other "off" odours and flavours. The fish shall be cut to a length corresponding to the inside height of the can. Practically all small pieces shall be packed in the centre of the can. The cans shall be enamel lined.
- (3) All parcels or lots of canned herring falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-Standard".

Herring in Tomato Sauce in Tall Cans

- (f) (1) "Fancy Quality" canned herring in tomato sauce shall be packed from fresh, sound, well-washed fish, from which heads, tails, blood, scales and practically all of the viscera have been removed. The can contents shall be firm and their odour and flavour characteristic of canned fresh herring. The amount of tomato sauce or puree, having a specific gravity of 1.05 added to one-pound tall cans shall be not less than two and one-half ounces. The fish shall be cooked enough to soften the bones. All cans shall be enamel lined.

- (2) "Standard Quality" canned herring in tomato sauce shall be packed from reasonably fresh, sound, well-washed fish, from which heads, tails, blood, scales and most of the viscera have been removed. The can contents shall be reasonably firm and there shall be no stale, rancid or other "off" odours or flavours. The amount of tomato sauce or puree, having a specific gravity of 1.05 added to one-pound tall cans shall be not less than two and one-half ounces. The backbones may be slightly hard. All cans shall be enamel lined.

Flaked Fish

- (g) The labels attached to all cans of flaked fish shall show the vernacular names of the kinds of fish contained in the cans.
- (1) "Fancy Quality" flaked fish shall be packed from fresh, sound, well-washed and white-naped fish. The can contents shall be firm. The odour and flavour of the can contents shall be appetizing and characteristic of sound fish. The colour of the contents shall be practically white. The cans may not contain more than traces of bones and skin particles, and the contents shall be entirely free from discoloration, fork marks and other defects. The cans shall be paper lined.
- (2) "Standard Quality" flaked fish shall be packed from sound fish. The can contents may be slightly soft. The odour and flavour of the can contents may be weak and the flavour may be flat or salty. The colour may be slightly dark, with no more than traces of discoloration. The can contents shall be reasonably free of bones, skin particles and fork marks. The cans shall be free of other defects to the satisfaction of the Fish Inspection Laboratory.
- (3) All parcels or lots of canned flaked fish falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Lobster Paste

- (h) (1) "Fancy Quality" lobster paste shall be prepared from fresh, sound, edible parts of the lobster including the roe. The mixture shall be ground thoroughly to a smooth consistency and uniform reddish colour. The odour and flavour shall be appetizing and characteristic of sound lobster paste. The texture shall be that of a smooth, easily spreading paste.
- (2) "Standard Quality" lobster paste shall be packed from sound, edible parts of the lobster, with or without roe. The texture may be slightly soft and the colour greenish. The mixture shall be well ground to a smooth consistency and fairly uniform colour. The odour and flavour shall be good.
- (3) All parcels or lots of canned lobster paste falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Atlantic Salmon

- (i) (1) "Fancy Quality" canned Atlantic salmon shall be packed from fresh, sound, firm, well-washed fish. All blood along the backbone, the fins and scales shall be removed. The fish shall be cut into steaks corresponding to the inside height of the cans. The can contents shall be firm. The odour and flavour shall be characteristic of canned Atlantic salmon. The bones shall be fairly soft. The flesh shall be free from fork marks, bruises and discoloration.
- (2) "Standard Quality" canned Atlantic salmon shall be packed from fresh, sound, well-washed fish. The fish shall be cut into steaks corresponding to the inside height of the cans. The can contents shall be practically free from blood and scales. They may be slightly

soft. The odour and flavour shall be good. The bones may be slightly hard. The flesh shall be practically free from fork marks, bruises and discoloration.

- (3) All parcels or lots of canned Atlantic salmon falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Atlantic Tuna—Solid Pack

- (j) (1) "Fancy Quality" Atlantic tuna shall be packed from the light meat of sound, well-bled, and well-washed fish. The can contents shall be firm and consist of not more than three pieces. The amount of edible oil in the half-pound can shall be at least one-half ounce. The colour of the meat shall be light. The flavour and odour shall be characteristic of canned Atlantic tuna packed in edible oil.
- (2) "Standard Quality" canned Atlantic tuna shall be packed from the light meat of sound, well-washed fish. The can contents shall be fairly firm and consist of not more than six pieces. The amount of edible oil in the half-pound can shall be at least one-half ounce. The colour of the meat may be slightly dark. The meat may contain small amounts of blood. The odour and flavour of the can contents shall be good.
- (3) All parcels or lots of canned Atlantic tuna falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Atlantic Tuna (Flaked)

- (k) (1) "Fancy Quality" flaked Atlantic tuna shall be packed from the light meat of sound wholesome, well-bled, well-washed, cooked fish. The can contents shall be firm and free from bones skin, extraneous tissue and dark meat. The amount of edible oil contained in the half flat can shall be at least one-quarter of an ounce. The colour of the meat shall be light and the flavour and odour characteristic of canned Atlantic tuna packed in edible oil.
- (2) "Standard Quality" flaked Atlantic tuna shall be packed from the light meat of sound, wholesome, well-washed, cooked fish. The can contents may be slightly soft and the colour slightly dark. The cans shall be free from bones, skin, extraneous tissue and dark meat. The amount of edible oil in the half flat can shall be at least one-quarter of an ounce. The odour and flavour of the can contents may be weak and the flavour may be flat or salty.
- (3) All parcels or lots of canned flaked Atlantic tuna falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Gaspereau

- (l) (1) "Fancy Quality" canned gaspereau shall be packed from fresh, sound, well-washed, gutted fish, from which heads, tails, blood and scales have been removed. The contents shall be firm and the odour and flavour characteristic of canned fresh gaspereau. The fish shall be cut to a length corresponding to the inside height of the can. All small pieces shall be packed in the centre of the can. The cans shall be enamel lined.
- (2) "Standard Quality" canned gaspereau shall be packed from reasonably fresh, sound, well-washed fish, from which heads, tails, blood, scales and most of the viscera have been removed. The contents shall be reasonably firm, and there shall be no stale, rancid or other "off" odours or flavours. The fish shall be cut to a length corresponding to the inside height of the can. Practically all small pieces shall be packed in the centre of the can. The cans shall be enamel lined.

- (3) All parcels or lots of canned gaspereaus falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Small Herring (Plain)—In No. 1 Picnic Cans

- (m) (1) "Fancy Quality" canned plain small herring shall be packed from fresh, sound, well-washed fish from which heads, tails and scales have been removed. The contents shall be firm and the odour and flavour characteristic of canned fresh herring. The meat shall be practically white, and shall be free from reddenning along the backbone. The liquid shall be reasonably clear. The number of fish per can shall be not less than eight. All small pieces shall be packed in the centre of the can. The cans shall be enamel lined.
- (2) "Standard Quality" canned plain small herring shall be packed from reasonably fresh, sound, well-washed fish from which heads, tails and most of the scales have been removed. The contents shall be reasonably firm, and there shall be no stale, rancid and other "off" odours and flavours. The meat may be slightly dark, and there may be not more than traces of reddenning along the backbone. The number of fish per can shall be not less than eight. Practically all small pieces shall be packed in the centre of the can. The cans shall be enamel lined.
- (3) All parcels or lots of canned small herring falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Herring Fillets

- (n) (1) "Fancy Quality" canned herring fillets shall be packed from fresh, sound, firm, well-washed herring from which the fins, scales and the entire backbone have been removed. In packing tall cans, the fillets shall be cut to a length corresponding to the inside height of the can, shall be packed uniformly and any small pieces shall be enclosed in the centre. The odour and flavour of the can contents shall be characteristic of canned fresh herring. The contents shall be firm and the liquid reasonably clear. The cans shall be enamel lined.
- (2) "Standard Quality" canned herring fillets shall be packed from reasonably fresh, sound, well-washed herring from which most of the scales and the entire backbone have been removed. In packing tall cans, the pieces of fillets shall be packed uniformly and any small pieces shall be enclosed in the centre. The can contents may be slightly soft and the liquid slightly turbid. The odour and flavour may be weak and the flavour may be flat or salty. The cans shall be enamel lined.
- (3) All parcels or lots of canned herring fillets falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Shad Fillets

- (o) (1) "Fancy Quality" canned shad fillets shall be packed from fresh, sound, well-washed shad, from which fins, scales and the entire backbone have been removed. In packing tall cans, the fillets shall be cut to a length corresponding to the inside height of the can and any small pieces shall be packed in the centre. The odour and flavour of the can contents shall be characteristic of canned fresh shad. The contents shall be firm. The cans shall be enamel lined.
- (2) "Standard Quality" canned shad fillets shall be packed from reasonably fresh and sound, well-washed shad, from which fins, scales and the entire backbone have been removed. In packing tall cans, the

fillets shall be cut to a length corresponding to the inside height of the can and any small pieces shall be packed in the centre. The contents shall be reasonably firm, and there shall be no stale, rancid or other "off" odours or flavours. The cans shall be enamel lined.

- (3) All lots of canned shad fillets falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Shad

- (p) (1) "Fancy Quality" canned shad shall be packed from fresh, sound, firm, well-washed fish. The fins, scales and all blood along the backbone shall be removed. The fish shall be cut into steaks corresponding to the inside height of the can, and all small pieces shall be packed in the centre. The can contents shall be firm. The odour and flavour shall be characteristic of canned shad. The bones shall be soft. The cans shall be enamel lined.
- (2) "Standard Quality" canned shad shall be packed from reasonably fresh, sound, firm, well-washed fish. The fish shall be cut into steaks corresponding to the inside height of the can, and all small pieces shall be packed in the centre. The can contents shall be practically free from fins, blood and scales and they shall be reasonably firm. There shall be no stale, rancid or other "off" odours or flavours. The bones shall be soft. The cans shall be enamel lined.
- (3) All lots of canned shad falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Kippered Snacks

- (q) (1) "Fancy Quality" canned kippered snacks shall be prepared from fresh, sound, well-washed herring from which fins, scales and the entire backbone have been removed and which have been mildly smoked. In packing the flat drawn cans, the fillets shall be placed uniformly, skin side down. The contents shall be firm and the odour and flavour shall be characteristic of mildly smoked fresh herring. The colour shall be uniform and not darker than golden brown. The amount of edible oil in five-ounce cans shall be at least one-quarter of an ounce. The cans shall be enamel lined.
- (2) "Standard Quality" canned kippered snacks shall be prepared from reasonably fresh, sound, well-washed herring from which the fins, scales and the entire backbone have been removed and which have been mildly smoked. In packing the flat drawn cans, the fillets shall be placed uniformly, skin side down. The contents may be slightly soft. The odour and flavour may be weak and the flavour may be flat or salty. The colour need not be uniform and may be darker than golden brown. The amount of edible oil in five-ounce cans shall be at least one-quarter of an ounce. The cans shall be enamel lined.
- (3) All lots of canned kippered snacks falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Billfish

- (r) (1) "Fancy Quality" canned billfish shall be packed from fresh, sound firm, well-washed fish. The fins and all blood along the backbone shall be removed. The fish shall be cut corresponding to the inside height of the can and all small pieces shall be packed in the centre. The can contents shall be firm. The odour and flavour shall be characteristic of canned billfish and the bones shall be soft. The can shall be enamel lined.

- (2) "Standard Quality" canned billfish shall be packed from reasonably fresh, sound, firm, well-washed fish. The fish shall be cut corresponding to the inside height of the can and all small pieces shall be packed in the centre. The can contents shall be practically free from blood and they shall be reasonably firm. There shall be no stale, rancid or other "off" odours or flavours. The cans shall be enamel lined.
- (3) All lots of canned billfish falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard".

Gaspereau Fillets

- (s) (1) "Fancy Quality" canned gaspereau fillets shall be packed from fresh, sound, firm, well-washed gaspereau from which the fins, scales and the entire backbone have been removed. In packing tall cans, the fillets shall be cut to a length not less than the inside height of the can; they shall be packed uniformly and any small pieces shall be enclosed in the centre. The odour and flavour of the can contents shall be characteristic of canned fresh gaspereau. The meat shall be practically white and free from reddening along the backbone. The can contents shall be firm and the liquid reasonably clear. The cans shall be enamel lined.
- (2) "Standard Quality" canned gaspereau fillets shall be packed from reasonably fresh, sound, well-washed gaspereau from which most of the scales and the entire backbone have been removed. In packing tall cans the pieces of fillets shall be packed uniformly and any small pieces shall be enclosed in the centre. The can contents may be slightly soft and the liquid slightly turbid. The odour and flavour may be weak and the flavour may be flat or salty. The meat may be slightly dark and shall be practically free from red discoloration. The cans shall be enamel lined.
- (3) All parcels or lots of canned gaspereau fillets falling below Standard Quality and found to be sound, wholesome and fit for human food shall be designated as "Sub-standard".

Small Herring in Tomato Sauce in No. 1 Picnic Cans

- (t) (1) "Fancy Quality" canned small herring in tomato sauce shall be packed from fresh, sound, well-washed fish from which heads, tails, and scales have been removed. The contents shall be firm and the odour and flavour characteristic of canned fresh herring in tomato sauce. The meat shall be practically white and free from reddening along the backbone. The number of fish per can shall be not less than eight. The amount of tomato sauce or puree, having a specific gravity of 1.05 added to ten ounce tall cans shall be not less than one and three-quarter ounces of the equivalent thereof for puree of different specific gravity. Cans shall be enamel lined.
- (2) "Standard Quality" canned small herring in tomato sauce shall be packed from reasonably fresh, sound, well-washed fish from which head, tails and most of the scales have been removed. The contents shall be reasonably firm. The meat may be slightly dark and shall be practically free from red discoloration along the backbone. The number of fish per can shall not be less than eight. The amount of tomato sauce or puree, having a specific gravity of 1.05 added to ten ounces tall cans shall be not less than one and three-quarter ounces or the equivalent thereof for puree of different specific gravity. There shall be no stale, rancid or other "off" odours or flavours. The can shall be enamel lined.
- (3) All parcels or lots of canned small herring in tomato sauce falling below Standard Quality but found to be sound, wholesome and fit for human food shall be designated as "Substandard."

Finnan Haddie

- (u) (1) "Fancy Quality" finnan haddie shall be packed from sound well-washed, lightly smoked (in natural smoke) fish or fillets. The can contents shall be firm but not dry. The odour and flavour of the can contents shall be appetizing and characteristic of lightly smoked sound fish. The colour of the can contents shall be light brown on the smoked surface portions and yellowish-white on the interior parts of the smoked fish. The cans may not contain more than traces of bones, skin particles or trimmings, and the contents shall be free from discolorations, fork marks and other defects. The cans shall be paper lined.
- (2) "Standard Quality" finnan haddie shall be packed from sound smoked fish, or suitable trimmings of smoked fish in natural smoke. The can contents may be slightly soft. The odour and flavour may be weak or fairly strongly smoky and/or salty. The colour may be slightly dark. The can contents shall be reasonably free of bones, skin particles, fork marks and dark trimmings.
- (3) All parcels or lots of canned finnan haddie falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard."

Pollock

- (v) (1) "Fancy Quality" canned pollock shall be packed from fresh, sound, well-washed and white-naped fish. The can contents shall be appetizing and characteristic of sound fish. The cans may not contain more than traces of defects such as bones and skin particles, and the contents shall be free from discoloration and fork marks.
- (2) "Standard Quality" canned pollock shall be packed from sound fish. The can contents may be slightly soft. The odour and flavour of the can contents may be weak and the flavour may be flat or salty. The can contents shall be reasonably free from defects such as bones, skin particles, discoloration and fork marks.
- (3) All parcels or lots of canned pollock falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated as "Sub-standard."

Gaspereau in Tomato Sauce

- (w) (1) "Fancy Quality" canned gaspereau in tomato sauce shall be packed from fresh, sound, well-washed fish from which heads, tails, blood, scales and practically all of the viscera have been removed. The can contents shall be firm and their odour and flavour characteristic of canned fresh gaspereau. The amount of tomato sauce made from puree, having a specific gravity of 1.05, added to one-pound tall or oval cans shall be not less than two and one-half ounces, nor less than one and one-quarter ounces, for half-pound cans, or the equivalents thereof for puree of higher specific gravity. The fish shall be cooked enough to soften the backbones. Oval cans shall have not less than one and one-half inches vacuum. All cans shall be enamel lined.
- (2) "Standard Quality" canned gaspereau in tomato sauce shall be packed from reasonably fresh, sound, well-washed fish, from which heads, tails, blood, scales and most of the viscera have been removed. The can contents shall be reasonably firm and there shall be no stale, rancid, or other "off" odours or flavours. The amount of tomato sauce made from puree, having a specific gravity of 1.05, added to one-pound tall or oval cans shall be not less than two and one-half ounces, nor less than one and one-quarter ounces for half pound cans, or the equivalents thereof for puree of higher specific gravity. The backbones may be slightly hard. Oval cans shall have not less than one inch vacuum. All cans shall be enamel lined.

- (3) All parcels or lots of canned gaspereau in tomato sauce falling below Standard Quality but found to be sound, wholesome and fit for food shall be designated as "Sub-standard."

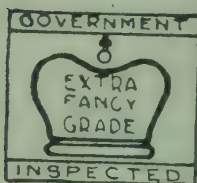
39. Before application is made for the grading of a parcel of canned fish or shellfish under the Standards of Quality named in Section 38 each can shall be examined for external defects and all defective cans shall be withdrawn by the Applicant.

40. Each parcel of canned fish or shellfish submitted for grading, and from which the samples have been withdrawn for such purpose, shall be held, and its identity preserved, at the warehouse of the Applicant until the Standard of Quality has been determined by the Fish Inspection Laboratory and a grading certificate issued, and until all cans in the parcel have been labelled in accordance with the provisions of Section 42 of these Regulations.

41. For each parcel of canned fish or shellfish that has been graded in accordance with these Regulations a grading certificate shall be issued by the Fish Inspection Laboratory in the form of Appendix "C" hereto and shall be delivered to the Applicant.

Labelling

42. (a) The labels to be used on each can of fish or shellfish graded under these Regulations must conform to the requirements of the Meat and Canned Foods Act and the Regulations made thereunder, and also be marked with one of the following designations to show the Standard of Quality determined by the Fish Inspection Laboratory: A crown enclosing the words "Extra Fancy Grade", "Fancy Grade" or "Standard Grade" and the words "Government" and "Inspected" above and below the crown respectively, as illustrated:



OR



OR



Provided that if "stickers" are used to mark graded canned fish or shellfish with the above designations of the Standards of Quality, such "stickers" may be used on the can tops or on the labels: and provided also that all cans of a parcel or lot designated as "Sub-standard" shall be plainly and indelibly marked on the label with the words: "Government Inspected—Sub-standard" in letters not less than one-quarter of an inch in height.

All such labels shall be registered with and approved by the Department of Fisheries and shall not be used until they are so registered and approved. For this purpose each Applicant shall supply the Minister with ten copies of each kind of label to be used by him on graded canned fish or shellfish.

Labels showing any of the above designations shall not be used other than on cans of fish or shellfish that have been graded as required by these Regulations.

- (b) Each can of fish or shellfish contained in a parcel for which a grading certificate has been issued to the Applicant, whose right to appeal for a regrading has expired, shall be labelled at the warehouse of the Applicant with the approved label; provided, however, that graded but unlabelled canned fish or shellfish may, at the written request of the permit holder concerned, be transferred under certificate authorized by the Minister to an approved destination to be labelled at that destination.

- (c) No person shall label any can of fish or shellfish that has been graded as required by these Regulations with a label showing any other standard of quality, of those herein designated, than that determined by the Fish Inspection Laboratory regrading.
43. (a) In the event of the Fish Inspection Laboratory decision as to the grade of any parcel of canned fish or shellfish being challenged by the Applicant, he may, within fourteen days after the delivery of the grading certificate to him, appeal to the Minister for a regrading.
- (b) The fee for such regrading shall be ten dollars.
- (c) The regrading may be authorized if the Minister is satisfied that the identity of the parcel in dispute has been preserved and that the samples had been withdrawn as prescribed by these Regulations. This regrading, which shall be final, shall be conducted at the Fish Inspection Laboratory, in the presence of three persons, one of whom shall be selected by the Appellant, one by the Minister and one by the Fish Inspection Laboratory; provided that where the Appellant waives, in writing, his right to appoint a representative, the regrading shall be conducted in the presence of the other two persons.
- (d) If the regrading places the parcel in the higher grade than the original grading the fee will be returned to the appellant.
44. Notwithstanding anything in the foregoing Regulations, an Inspector may, if he has reason to believe that any canned fish or shellfish have been packed or dealt with in any way not in accordance with the provisions of the Meat and Canned Foods Act or the Regulations made thereunder, or if he deems it necessary for the purpose of preserving the identity of canned fish or shellfish as required by these Regulations, detain at any time and in any place, any such canned fish or shellfish by placing thereon a numbered "Held" tag and any person who moves or causes to be moved any such canned fish or shellfish, or removes the "Held" tag without the authority of the Minister shall be guilty of an offence under the Act.
45. (a) Canned Atlantic fish and shellfish for which no standards of quality and grade have been established under section 38 of these Regulations may be submitted for inspection to the Fish Inspection Laboratory.
- (b) Application for inspection of each parcel of canned fish or shellfish shall be made in writing, on a form provided by the Department, to the Fish Inspection Laboratory.
46. (a) For each parcel of canned Atlantic fish or shellfish that has been inspected and found to be of fair average quality, well-packed and in good merchantable condition, an Inspection Certificate shall be issued by the Fish Inspection Laboratory in the form of Appendix "D" hereto and shall be delivered to the Applicant.
- (b) All parcels or lots of canned Atlantic fish or shellfish submitted for inspection and falling below the standards of quality required above, but found to be sound, wholesome and fit for human food, shall be designated and marked as "Class B" and the Inspection Certificate shall be marked accordingly.

APPENDIX "A"

DOMINION OF CANADA

DEPARTMENT OF FISHERIES

CANNED SALMON INSPECTION CERTIFICATE

Vancouver, B.C.,

Date.....

This is to certify that the parcel of canned salmon described herein—(the word "Canada" being embossed on the lids of the cans),—was produced in British Columbia, was examined by the Dominion Government Canned Fish Inspection Laboratory, and was approved by it as being:

FRESH
FIRM
WELL PACKED

and as meeting the Regulations of the Dominion of Canada for the Inspection of British Columbia Canned Salmon.

Marks	Quantity	Description
.....	..... pounds	
.....	..... cases	

Chief Supervisor of Fisheries for British Columbia.

APPENDIX "B"

DOMINION OF CANADA
DEPARTMENT OF FISHERIES

CANNED HERRING INSPECTION CERTIFICATE

Vancouver, B.C.,
Date.....

This is to certify that the parcel of canned herring described herein was produced in British Columbia, was examined by the Dominion Government Canned Fish Inspection Laboratory, and was approved by it as being:

FAIR AVERAGE QUALITY
WELL PACKED
GOOD MERCHANTABLE CONDITION

and as meeting the Regulations of the Dominion of Canada for the Inspection of British Columbia Canned Herring.

Marks	Quantity	Description
.....	..... pounds	
.....	..... cases	

Chief Supervisor of Fisheries for British Columbia.

APPENDIX "C"

DOMINION OF CANADA
DEPARTMENT OF FISHERIES

CANNED FISH AND SHELLFISH GRADING CERTIFICATE

Certificate No. Halifax, N.S.
Issued to Date.....19....
Address.....

This is to certify that the parcel of canned described herein was graded by the Fish Inspection Laboratory of the Department of Fisheries and was determined by it to be:

..... QUALITY

as defined by Section 38 of the Regulations Governing the Inspection of Canned Fish and Shellfish and the Operations of Canneries, under the Meat and Canned Foods Act.

DESCRIPTION OF PARCEL

Canned Fish and Shellfish Grading Permit No.
Marks Lot No. Cannery Permit No.
Kind of Product Cannery Registered No.
..... cases of ounce cans

..... cases of ounce cans
 cases of ounce cans

 Fish Inspection Laboratory.
 (Countersigned)
 Chief Supervisor of Fisheries.
 This certificate was delivered to
 at on 19.....

 Inspector of Fisheries.

APPENDIX "D"

Certificate No. B.....

 DOMINION OF CANADA
 DEPARTMENT OF FISHERIES

CANNED FISH INSPECTION CERTIFICATE

Issued to (Place)
 Address Date 19.....

This is to certify that the parcel of canned
 described herein was produced in Canada, was examined by the Fish Inspection
 Laboratory of the Department of Fisheries, and was approved by it as being

FAIR AVERAGE QUALITY

WELL PACKED

GOOD MERCHANTABLE CONDITION

and as meeting the provisions of the Meat and Canned Foods Act, and the
 Regulations made thereunder governing the inspection of canned fish and
 shellfish and the operations of canneries.

DESCRIPTION OF PARCEL

Marks Lot No. Kind of Fish.....
cases of.....cans (contents.....oz.) Cannery Reg. No.....
cases of.....cans (contents.....oz.) Cannery Reg. No.....
cases of.....cans (contents.....oz.) Cannery Reg. No.....

Fish Inspection Laboratory.

This certificate was delivered to at
 on 19.....

Inspector of Fisheries.

GRADING FORM FOR LOBSTER CANNERIES

(As required by subsection (b) of section 11 of the Regulations Governing the
 Inspection of Canned Fish and Shellfish and the Operations of Canneries, and approved
 by Order in Council of.....)

Permit No..... Province..... Name of Owner.....

Year..... County..... Name of Manager.....

Location of Cannery

Construction and Equipment	Score	
	Perfect	Allowed
Location	5	
Construction	30	
Equipment	65	
Location— Over or near tide-water, removed from sewer effluents, dumps, swamps, stables, unsanitary fish dressing and baiting stands...	5	

GRADING FORM FOR LOBSTER CANNERIES—Continued

Construction and Equipment	Score	
	Perfect	Allowed
Construction—		
Building: on solid footings, of sound and solid construction, water-tight walls and roof	3	
Lay-out: of plant in proper order to insure continuous flow of operations through cannery	4	
Separate Rooms: for cooking and shelling, packing and processing, storage, each with adequate floor space to handle pack efficiently	5	
Floors: cement, or tongued and grooved, watertight, guttered and sloped evenly to drain	4	
Walls and Ceilings: sheeted and painted; or joists, studding, rafter and roofing exposed, but painted or white-washed	4	
Drain: Discharging below highwater mark; or into running water; or into cesspool 50 feet from cannery; all points of discharge 100 feet from seawater intake. Constructed water-tight, metal or metal-lined with soldered seams	4	
Ventilation: hoods or ventilators over cooking vats; screened doors and windows (in late season districts)	3	
Privies: dry earth closet, over 100 yards from cannery and from water supply; or water closet if no seawater used and no live lobsters kept in water	3	
Equipment—		
Crates or Cars: to keep lobsters alive in clean seawater until ready for packing	3	
Cooking Vats: preferably two, with drain; equipped with crane where lobsters are boiled; near water tap	3	
Cooler: metal construction, or covered with galvanized iron with water-tight seams, sloped to drain	2	
Cracking Tables: free from rust, soldered seams sloped to drain, rust-free knives and pickers; clean-cut and odourless block	4	
Refuse Barrels: metal (to obtain full marks); cleaned daily	3	
Shell Bin: sufficient capacity for daily pack; easily accessible to teams or boats; of solid construction, scows or wagons	3	
Sinks: enamel or galvanized iron with soldered seams, free from rust; running water with tap over each sink	5	
Packing Table: enamel, glass, zinc or galvanized iron top with soldered seams sloped to drain; no wooden racks	3	
Scales: for weighing meat, in good condition, sensitive to 1/8 oz. ...	3	
Water Pump and Tank: gasoline or steam pump or steam ejector on boiler; water tank overhead	5	
Equipment—		
Plumbing: all water and steam pipes galvanized, free from rust ...	3	
Steam Boiler	5	
Exhaust Apparatus: (exhaust box or vacuum sealer)	4	
Retort: (two retorts or more in large plants)	4	
Steam Hose: for scalding floors, walls, tables, etc., with live steam	3	
Dishes: agateware (rust-free, not chipped), aluminum, zinc, galvanized iron	4	
Wash Basin or Sink: with outlet to drain, running water, soap, towel	3	
Aprons, Caps for meat handlers, cleaned daily, not to be worn outside cannery—clean overalls or aprons for male help, also for manager or foreman	5	
Total Score	100	

Signature of Inspecting Officer
 Date of this return 19.....

Operating Methods and Cannery Sanitation	Score	
	Perfect	Allowed
Cannery Sanitation	38	
Packing Operations	62	
Cannery Sanitation—		
Boats: free from bilge water, kept clean provided with crates or baskets to carry lobsters protected from sunlight	5	
Crates or Cars: anchored in clean current sea-water, cleaned out regularly	3	
Refuse: removed daily, shell bin cleaned daily, white-washed; clean surroundings	4	
Cannery Walls and Floors: cleaned daily, lined or scalded with live steam	3	
Tables: washed and scalded several times daily, especially before start of work	4	
Dishes and Utensils: cleaned frequently, sterilized at least once a day	3	
Water Supply: preferably bored well or spring with tightly cased mouth. If sea-water or water from dug well or from brook, tested before use. Water tanks emptied and cleaned daily	7	
Help: cleanliness in dress and person, meat handlers washing hands frequently	3	
Foreman and Manager: of clean appearance	3	
Smoking and Spitting: prohibited in and around cannery	3	
Packing Operations—		
Lobsters culled before cooking, all dead and "weak" lobsters discarded	4	
Lobsters cooked (boiled or steamed) immediately before packing only, at the same rate as packers handle meat	5	
Boiling Water: renewed every 1 or 2 batches, vat not overfilled	3	
Cooking Vats: drained and cleaned daily	2	
Lobsters removed simultaneously from vat	2	
Cooked lobsters cooled rapidly, shelled, washed and packed without delay	5	
Meat washed under spray or running water: not allowed to soak in water, all blood, guts, tomalley, removed	6	
Cans lined: immediately before use only	2	
Pickle: of uniform strength, not over 2½% salt	2	
Meat weighed: separately on plates, or in cans before adding pickle	3	
All cooked meat being packed and processed before intermissions (lunch hour)	4	
Cans exhausted in exhaust box or vacuum sealer, to prevent flippers	5	
Can closing machine: properly adjusted, chucks and rolls in good condition; frequent inspection of can seams; gasoline engine outside packing room	5	
Efficient Sterilization: in small batches	5	
Processed cans cooled immediately: with cold water from hose or in tank	3	
Cans cleaned and inspected: for leaks, flippers, swells, etc., before boxing and storing the cases	3	
Cans stored in coolest place possible (above freezing)	3	
Total score	100	

Year	Construction and Equipment	Cannery Sanitation, Packing Operations
Current year 19.....		
Last year 19		
Year before last 19.....		

PROCESSED FRUIT AND VEGETABLE REGULATIONS

Meat and Canned Foods Act—The Processed Fruit and Vegetable
Regulations

P.C. 2491

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of June, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, and pursuant to the provisions of section 4 of the Meat and Canned Foods Act, Revised Statutes of Canada, 1927, Chapter 77, is pleased to order as follows:

1. The regulations under the Meat and Canned Foods Act respecting Fruits and Vegetables, established by Order in Council P.C. 3199 of 3rd May, 1945, as amended, are hereby revoked; and

2. The attached regulations entitled "The Processed Fruit and Vegetable Regulations" are hereby made and established in substitution for the regulations hereby revoked.

A. D. P. HEENEY,
Clerk of the Privy Council.

Short Title

1. These regulations may be cited as the Processed Fruit and Vegetable Regulations.

Interpretation

2. (1) In these regulations

- (a) "container" means any receptacle approved by the Minister whether hermetically sealed or intended to be sealed otherwise;
- (aa) "concentrated fruit juice" means the juice of whole fruit from which a considerable portion of the water has been removed;
- (b) "establishment" means any packing house or other premises in which fruit or vegetables, or any product thereof, are prepared for food for export or are stored for export;
- (c) "first dealer" means
 - (i) any packer who buys food products packed by another for sale under his own label, or
 - (ii) any person operating premises at which he pays business tax or otherwise is assessed as a wholesale or retail dealer who buys food products for sale under his own label;
- (d) "fill" or "full" as applied to a container means that the container shall be as full of the fruit or vegetable as will permit of proper processing with the least addition of syrup, vinegar, brine or water;
- (e) "flipper" means a can one end of which bulges, with or without jarring, after being processed and cooled, by reason of over-filling or failure to exhaust the can;
- (f) "food product" means any article of food prepared in whole or part from fruit or vegetable;
- (g) "head space" means that space between the top edge or rim of the container and the upper level of the contents;
- (h) "label" means any printed, stencilled, lithographed or embossed label, sticker, seal, wrapper, stencil or receptacle upon which are shown the requirements of these regulations;

- (i) "main panel" means that portion of the label, not exceeding three fifths of its length, on which is marked information as required by these regulations;
- (j) "package" means any box, basket, carton or other receptacle used for the transportation of containers of food products, or anything in which such products are wrapped or bound together;
- (k) "solid pack fruit" means fruit that has been partially or wholly pre-cooked without sugar before processing so as to allow the fruit to pack closely;
- (l) "swells" means cans with the tops and bottoms bulged as a result of bacterial spoilage.

(2) Whenever by these regulations any power or authority is conferred on the Minister, the power or authority may be exercised on his behalf by the Director, Marketing Service, Department of Agriculture, the Associate Director, Marketing Service (Fruit and Vegetable) or such other person as the Minister may designate.

PART I—GENERAL REGULATIONS

Registration of Establishments

3. No person shall operate an establishment unless the establishment is registered with the Minister under these regulations and a certificate of registration has been issued therefor.

4. The Minister may, upon application therefor, issue a certificate of registration in respect of an establishment if in his opinion the establishment complies with the requirements of these regulations, and the Minister is satisfied that the establishment will be operated in accordance with these regulations.

5. Upon registration every establishment shall be assigned a registration number.

6. The Minister may cancel or suspend a certificate of registration if in his opinion the establishment does not comply with the requirements of these regulations or if in his opinion the owner or operator of the establishment has violated or failed to comply with any of the provisions of these regulations or the Act.

7. The owner or operator of an establishment in respect of which a certificate of registration has been issued shall post and keep posted the certificate in a conspicuous place on the establishment for so long as the certificate is in force.

8. Every certificate of registration issued under these regulations shall remain in force until cancelled, suspended or surrendered.

9. The Minister may prescribe the forms of certificate of registration under these regulations.

10. A certificate of registration issued under these regulations may not be assigned or transferred.

11. A certificate of registration may be issued in respect of an establishment that in the opinion of the Minister complies with the following requirements:

- (a) the establishment shall be clean, adequately lighted and ventilated;
- (b) windows, doors and other openings suited to screening shall be screened to prevent the entrance of insects;
- (c) the establishment shall have adequate lavatory, washing and dressing facilities for employees, and all rooms used for such purposes shall be sanitary and fully equipped and shall have direct outside light and ventilation;
- (d) there shall be adequate provisions for the prompt disposal of refuse or by-products;

- (e) there shall be adequate and sufficient drainage facilities for the establishment and the land immediately adjacent thereto;
- (f) no lavatory, sink or cesspool shall be so situated as to permit any odours or fumes therefrom to pervade any room where food or food products are prepared or stored;
- (g) all equipment shall be designed to permit easy cleaning;
- (h) there shall be adequate facilities for thorough cleaning and sterilization of equipment.

Rules for Operation of Establishments

12. An establishment shall be operated in accordance with the following rules:

- (a) the premises shall at all times be kept strictly clean;
- (b) lavatories, dressing rooms and washrooms shall at all times be kept clean and sanitary;
- (c) all yards, out-houses and other premises and all approaches to the plant shall be kept clean and sanitary;
- (d) no lavatory, sink, or cesspool shall be so maintained as to permit any odours or fumes therefrom to pervade any room where food or food products are stored or prepared;
- (e) all operations in connection with the preparation or packing of food or food products shall be carried out carefully and under strict sanitary conditions;
- (f) no food or food product shall be permitted to come into contact with any substance that may have a deleterious effect on the quality of the finished product;
- (g) one person in the establishment shall be charged with the responsibility for keeping the establishment clean and sanitary;
- (h) all employees, in and about the establishment shall be free from infectious, contagious, or other diseases, and whenever an inspector so requires, a medical examination of an employee shall be made;
- (i) clothing worn by employees shall at all times be kept clean and sanitary, and all employees shall wear proper hair covering so as to prevent the entrance of hair into food products.

Purity of Food

13. (1) All food or food products used or produced in an establishment shall be sound, wholesome, and in every way fit for food.

(2) All fruit or vegetable juice canned in an establishment shall be the clean, unfermented liquid product obtained from fresh, ripe fruit or vegetable and shall be named to correspond to the fruit or vegetable from which it is obtained.

14. Except as authorized by these Regulations, no person shall use any preservative, colour, drug, vitamin, artificial flavour, conditioner, glucose, or other substitute for sugar (other than salt, sugar or dextrose) in the preparation of food products in an establishment.

Inspectors

15. The owner or operator of an establishment shall, at the request of an inspector, furnish the inspector, free of charge, with samples of any food product or any drug, dye, preservative or other ingredients used in the preparation of food products.

16. Whenever, in the opinion of an inspector, any food or food product or any drug, dye, preservative or other ingredient used in an establishment in the preparation of a food product is unsound or unwholesome, the inspector may seize and destroy or otherwise dispose of the entire stock from which the sample was taken and any products in which such stock was used.

17. An inspector may seize and destroy or otherwise dispose of any food or food product found by him in an establishment and that in his opinion is decomposed, diseased or otherwise unfit for food.

18. An inspector may seize and detain any food or food product or any article by means of or in relation to which he reasonably believes an offence against these regulations or against the Act has been committed and he may place upon or attach to such goods a numbered tag, in these regulations referred to as a "Held Tag".

19. Unless authorized by an inspector, no person shall remove any Held Tag attached to or placed on any food or food product or any article by an inspector under these regulations, and no person shall move, or cause or allow to be moved, any such food, food product or article.

Colouring Matter

20. The following colouring matter (in these regulations referred to as "permitted colours") may be used in the preparation of food products in an establishment:

- (a) Natural colours—Cochineal and innocuous vegetable colour extractives;
- (b) Artificial colours—Caramel and Carbon;
- (c) Coal tar dyes—

Red shades —Amaranth
Ponceau 3R
Erythrosine
Ponceau SX
Oil Red XO

Orange shades —Orange I
Orange SS.

Yellow shades —Naphthol Yellow S
Sunset Yellow F.C.F.
Tartrazine
Oil Yellow A.B.
Oil Yellow O.B.

Green shades —Light Green S.F. Yellowish
Guinea Green B.
Fast Green F.C.F.

Blue shades —Indigotine
Brilliant Blue F.C.F.

21. The coal tar dyes referred to in section twenty shall be such as have been manufactured in specially pure form for food products and shall not contain arsenic, calculated as As_2O_3 in excess of ten parts per million and shall not contain other heavy metals as determined by precipitation as sulphides in excess of a total of one hundred parts per million of the actual weight of the colouring matter.

22. A coal tar dye shall not be used in an establishment unless the outer label on each package contains a statement by the manufacturer that the contents thereof comply with the requirements of the Food and Drugs Act.

Preservatives

23. For the purposes of these regulations a permitted preservative means benzoic acid, salts of benzoic acid, sulphurous acid, and salts of sulphurous acid.

24. Not more than one permitted preservative shall be used in any food product prepared in an establishment, and the amount shall not exceed

- (a) in the case of benzoic acid or its salts, 1,000 parts per million;
- (b) in the case of sulphurous acid or its salts, calculated as SO_2 ,
 - (i) in solid foods and lime juice, 500 parts per million;
 - (ii) in dried fruits, 2,000 parts per million.

Sugar

25. Sugar used in the preparation of food products in an establishment shall be the produce chemically known as sucrose (saccharose) found in commerce as obtained from sugar cane or sugar beet; the total sucrose plus any invert sugar as estimated by the official methods of the Association of Official Agricultural Chemists shall not be less than 99.5 per cent of the dried solids; the ash shall not be greater than .15 per cent as calculated on the dried solids; in neutral solution (pH 6.9 to 7.1) at 60° Brix the colour when examined in a cell of 1 c.c. in depth shall not read greater than 1.0 Yellow on Lovibond scale.

Glucose

26. Glucose used in the preparation of food products in an establishment shall be a thick, syrupy, nearly colourless product made by the incomplete hydrolysis of starch or a starch-containing substance; it shall contain not more than one per cent of ash, not more than twenty-one per cent of water and not less than forty per cent of reducing sugars calculated as dextrose.

Dextrose

27. Dextrose used in the preparation of food products in an establishment shall be the substance chemically known as dextrose and may contain not more than ten per cent of water.

Labelling

28. (1) Except as otherwise provided in these regulations, all containers of food products prepared in an establishment shall be labelled in the establishment with

- (a) the full name and address of the packer as it appears on the certificate of registration for the establishment or, where the containers were packed for a first dealer, with the words "Packed for" or "Distributed by", together with the full name and address of the first dealer;
- (b) the true and correct name of the product or in the case of mixed food or food product the names of the ingredients in order of predominance;
- (c) the true and correct grade or quality according to these regulations;
- (d) the size or net weight designation of the container as prescribed by these regulations or in the case of barrel-packed fruit pulps the gross, tare and net weight in pounds;
- (e) the words "Without Sugar" or "Unsweetened," if the product was packed without sugar;
- (f) the words "Solid Pack", if the product is not a water or syrup pack;
- (g) the words "In Water", if the product was packed in water;
- (h) the percentage of sugar added or the words "Unsweetened" or "Without Sugar", if the product is a fruit juice;
- (i) the permitted preservative declared by name;
- (j) the words "Vitaminized Apple Juice" (Vitamin C Fortified), together with the words "Contains not less than 35 mgms. of Vitamin C per 100 cc.", if the product is Vitaminized Apple Juice;
- (k) the words "Contents per cent slack filled" or "Contents per cent short weight", together with a statement of the correct percentage, if the container is slack filled or contains less than the minimum net and drained weights prescribed by these regulations;
- (l) a code or date to show the date of packing, if the product is Apple Juice or a tomato product.

(2) When the label does not show the name and address of the packer the establishment number or code shall be marked on the label or embossed on the container.

(3) Food products packed in syrup in an establishment shall be labelled to show the density of the syrup (e.g., " % sugar syrup" or, if dry sugar " % sugar") which shall not be less than the minimum strength prescribed in subsections four and five.

(4) The following are the minimum sugar syrup strengths permissible for canned fruits or frozen fruits:

Fruits	Brix Measurement
	PC.
Loganberries	50
Apricots	45
Cherries, sour	
Peaches	
Rhubarb	
Strawberries	
Blackberries	40
Boysenberries	
Crabapples	
Currants	
Fruit Cocktail	
Fruits for Salad	
Gooseberries	
Lawtonberries	
Maraschino Cherries	
Nectarberries	
Raspberries, all varieties	
Thimbleberries	
Pears, Bartlett, Flemish Beauty and other similar varieties	35
Apples	30
Blueberries	
Cherries, sweet	
Grapefruit	
Plums	
Cantaloupe	25
Grapes	
Pears, Kieffer, Clapp and other similar varieties	

(5) The following are the minimum percentages of dry sugar permissible for frozen fruits:

Fruits	Minimum percentage of sugar
	PC.
Cherries, red, sour	30
Berries, all varieties	20
Apples	20
Rhubarb	20
Fruits, for remanufacturing (10-lb. packages or over)	10

29. The lettering of the declarations specified in this section shall be not less prominent than any other lettering on the label and the minimum sizes thereof (actual measurements) shall be as follows:

Declaration	Over 10 ozs.	10 ozs. and under
Declarations of quality	$\frac{3}{8}$ "	$\frac{1}{4}$ "
Vitaminized Apple Juice		
Bleached with sulphite of soda	$\frac{1}{4}$ "	$\frac{3}{16}$ "
Degree of sugar syrup, dry sugar		
"Dried" or "Soaked" Lima Beans		
Fluid Ounce Declaration		
Net weight declaration		
Packed in water		
"Ripe" or "Soaked" Peas		
Slack filled		
Solid pack		
Size declaration		
Ungraded as to size		
Unbleached		
Unpeeled or unpitted	$\frac{3}{32}$ "	$\frac{1}{16}$ "
Unsweetened, without sugar		
Added Alkalis		
Artificial flavour		
Calcium Chloride		
List of ingredients		
Permitted colour		
Preservative		
Seasoning		
Sugar substitute		
Vitamin C Fortified		
Contains not less than 35 mgms. of Vitamin C per 100 cc.		
Contains Ascorbic Acid		

30. (1) The size declaration of the container as prescribed by these regulations shall be indicated as illustrated in this section with the numeral not less than one-quarter of an inch in height on containers over ten ounces and not less than three-sixteenths of an inch on containers of ten ounces and under.



- (1a) The net weight declaration for containers of frozen fruits and vegetables shall be indicated as illustrated in this subsection with the numeral not less than one-quarter of an inch in height on containers over ten ounces and not less than three-sixteenths of an inch on containers of ten ounces and under.



(2) All information required by these regulations to be marked on a container except the name and address of the packer or first dealer shall appear on the main panel of the label, together with any vignette, brand or trade mark.

(3) When the brand name or other description on the label of any food product packed in an establishment suggests that the product was packed in a country other than Canada, the label shall state that the product was packed

in Canada and such statement shall appear in letters not less than one-quarter of an inch in height and shall be not less prominent than any other lettering on the label.

(4) Labels on food products prepared in an establishment shall conform to the following additional requirements:

- (a) when the label designates a particular variety of fruit or vegetable, the label shall truly and correctly designate such variety;
- (b) when the true and correct name of the product contains two or more fruits or vegetables these shall be named in type of equal size with the predominating fruit or vegetable named first;
- (c) the declaration "with added pectin" or "with added fruit juice" shall appear in letters of at least one-half the height of the name of the product, shall be not less prominent than any other lettering on the label and shall appear immediately below the name of the product;
- (d) the labelling of pure orange marmalade may include the word "Seville", "Extra Bitter", "Bitter" or "Sweet" according to the facts.

31. The contents of a container packed in an establishment shall in every respect conform to the statements and declarations appearing on the label.

32. (1) No person shall label any container of a food product packed in an establishment in a manner describing quality or grade of any contents or size or capacity of the container otherwise than as prescribed by these regulations.

(2) Subsection one does not apply to any statement necessarily incidental to any recipe appearing on the label.

33. (1) No label shall be used in an establishment unless the label has been approved by the Minister.

(2) All labels intended to be used in an establishment shall first be submitted to the Minister in triplicate for approval and, if approved, one label with the approval endorsed thereon shall be returned to the owner or operator.

(3) The owner or operator of an establishment shall upon the request of an inspector produce to him for his inspection all approved labels in his possession and every owner or operator shall keep on the establishment all approved labels.

(4) No labels used in an establishment not registered under these regulations shall be approved for use in a registered establishment.

34. Upon application the Minister may

- (a) permit food products to be labelled or relabelled elsewhere than in the establishment where they were packed; and
- (b) permit the shipment within Canada of unlabelled food products for remanufacturing.

35. All cases or packages in which containers of food products are packed shall be marked on one panel with

- (a) the information specified in paragraphs (a), (b) and (c) of subsection one of section twenty-eight;
- (b) the number and size of the containers therein;
- (c) the registration number of the establishment in which they were prepared.

36. The registration number assigned to one establishment under these regulations shall not be applied to any container or package of food products prepared in another establishment.

Containers

37. (1) For the purpose of subsection three of section twenty-eight of the Act, the following containers are prescribed for the fruits and vegetables or products thereof specified in Tables I, II and IV of Part II of these Regulations, and for fruit and vegetable juicess, soups, spaghetti in tomato sauce, infant foods and junior foods:

Metal Containers

(overall dimensions are expressed in the manner used in the industry, e.g. "211" means 2 11/16 inches).

Products	Size Designation	Diameter and Height
Fruits, sugar syrup or water pack (except as specifically provided hereinafter)	Canada Size— 10 fluid ozs.	211 x 400
	15 " "	300 x 407
		301 x 406
	20 " "	307 x 309
	28 " "	307 x 409
	105 " "	401 x 411
		603 x 700
Fruits, solid pack including pie filler	Canada Size— 15 fluid ozs.	300 x 407
		301 x 406
	20 " "	307 x 309
	28 " "	307 x 409
	105 " "	401 x 411
		603 x 700
Fruit and vegetable juices	Canada Size— 10 fluid ozs.	211 x 400
	15 " "	300 x 407
	20 " "	301 x 406
	28 " "	307 x 409
	48 " "	401 x 411
	105 " "	404 x 700
		603 x 700
Vegetables (except as specifically provided hereinafter)	Canada Size— 10 fluid ozs.	211 x 400
	15 " "	300 x 407
		301 x 406
	20 " "	307 x 309
	28 " "	307 x 409
	105 " "	401 x 411
		603 x 700
Asparagus	Canada Size— 12 fluid ozs.	211 x 409
	20 " "	307 x 409
	105 " "	603 x 700
Beans with Pork, Beans, Vegetarian Beans	Canada Size— 5 fluid ozs.	211 x 200
	8 fluid ozs.	211 x 304
	10 " "	211 x 400
	15 " "	300 x 407
		301 x 406
	20 " "	401 x 212
	28 " "	307 x 409
	105 " "	401 x 411
		603 x 700
Vacuum Pack Corn	Canada Size— 8 fluid ozs.	211 x 304
	14 " "	307 x 306
Corn-on-Cob	Canada Size— 28 fluid ozs.	401 x 411
	35 " "	401 x 508
	48 " "	404 x 700
Infant Foods, Junior Foods	Canada Size— 5 fluid ozs.	202 x 214
	8 " "	211 x 304
Mushrooms	Canada Size— 5 fluid ozs.	202 x 214
	10 " "	300 x 407
	15 " "	301 x 406
	20 " "	211 x 400
		307 x 409

Products	Size Designation	Diameter and Height
Soups, condensed	Canada Size—	
	10 fluid ozs.	211 x 400
	20 " "	307 x 409
	48 " "	404 x 700
	105 " "	603 x 700
	Canada Size—	
	8 fluid ozs.	211 x 304
	15 " "	{ 300 x 407
Soups, ready-to-serve	28 " "	{ 301 x 406
	105 " "	{ 401 x 411
		603 x 700
Spaghetti in Tomato Sauce	Canada Size—	
	5 fluid ozs.	211 x 200
	8 " "	211 x 304
	10 " "	211 x 400
	15 " "	{ 300 x 407
	20 " "	{ 301 x 406
	28 " "	{ 307 x 409
	105 " "	{ 401 x 411
Tomato Paste		603 x 700
	Canada Size—	
	6 fluid ozs.	202 x 308
	14 " "	300 x 400
	28 " "	401 x 411
	105 " "	603 x 700
Tomato Pulp or Puree	126 " "	603 x 812
	Canada Size—	
	28 fluid ozs.	401 x 411
	105 " "	603 x 700
	126 " "	603 x 812

II. Glass or Other Types of Containers

The actual volume of glass or other types of containers shall correspond to the fluid ounce size designations for metal containers.

(2) For the purpose of subsection three of section twenty-eight of the Act, the following containers are prescribed for the products mentioned in this subsection:

I. Frozen Fruits and Vegetables

Containers having net weight as prescribed in subsection (3) of section 38;

Containers having net weight of 2 pounds.

II. Fountain Fruits

Canada Size—

32 fluid ozs.

105 fluid ozs.

64 " "

128 " "

When the containers are of glass, they shall be only of the mould or model known as "utility".

III. Jams, Jellies, Fruit Spread, Marmalades and Preserves (Conserves) (not including Cranberry Sauce or Jellied Cranberries)

Canada Size—

2½ fluid ozs.

12 fluid ozs.

6 " "

24 " "

9 " "

48 " "

When the containers of 12, 24 and 48 fluid ozs. sizes are of glass, they shall be only of the mould or model known as "utility".

IV. *Maraschino, Creme de Menthe Cocktail Cherries—*

Canada Size—

6 fluid ozs.	64 fluid ozs.
16 " "	105 " "
32 " "	128 " "

When the containers of 6 and 16 fluid ozs. sizes are of glass, they shall be either of the mould or model known as "utility" or of the tapered round, vase-shaped style standard cherry jars of the following dimensions:

Canada Size—

6 fluid ozs.

Shoulder Diameter	2-13/32"
Base	1-31/32"
Height	4- 3/64"

16 fluid ozs.

Shoulder Diameter	3- 5/16"
Base	2- 5/8"
Height	5- 9/32"

All other containers for Maraschino, Creme de Menthe and Cocktail Cherries of glass shall be of the mould or model known as "utility".

(3) Notwithstanding subsection two, until the thirty-first day of December, 1948, glass containers (other than tumblers of 6 and 9 fluid ounce sizes) shall be only of the wartime mould or model known as "utility".

(4) Other containers of dimensions specified on applications for approval of labels therefor, may on approval by the Minister, be used in an establishment.

(5) Notwithstanding subsection one, tomato pulp and tomato puree may be packed in four or five gallon containers.

(6) Notwithstanding Part III of subsection 2, Jams, Jellies, Fruit Spreads, Marmalades and Preserves (Conserves) may be packed in containers of 10 pounds and over.

Fill

38. (1) All containers of food products prepared in an establishment shall be filled as full as will permit of proper processing and no more syrup, brine or water shall be added than is necessary to proper processing.

(2) The minimum net and drained weights of containers for canned fruits and vegetables are as follows:

	15 ounce 300 x 407 301 x 406 307 x 309		20 ounce 307 x 409		28 ounce 401 x 411		105 ounce 603 x 700	
	Net	Drained	Net	Drained	Net	Drained	Net	Drained
	Ounces	Ounces	Ounces	Ounces	Ounces	Ounces	Ounces	Ounces
Apple Sauce	15½		21					
Apples—								
Syrup pack	15	9	20	12				
Water pack					26	17	90	64
Solid pack or pie fruit			19		26		95	
Apricots—								
Syrup pack	16	8	21	11				
Solid pack or pie fruit								85
Blackberries	16	9	21	12				
Blueberries	15	9	20	12				
Gooseberries	16	8	21	11				
Loganberries	16	8	21	11				
Raspberries	16	6½	21	10				
Strawberries	16	5½	21	8				

	15 ounce 300 x 407 301 x 406 307 x 309		20 ounce 307 x 409		28 ounce 401 x 411		105 ounce 603 x 700	
	Net	Drained	Net	Drained	Net	Drained	Net	Ounces
	Ounces	Ounces	Ounces	Ounces	Ounces	Ounces	Ounces	Drained
Cherries—								
Syrup pack—Pitted ...	16	9	21	12				
Unpitted ...	16	8	21	11				
Water pack ...	15	10	20	13				80
Solid pack or pie fruit	15	12	20	15				
Fruits for Salad ...	15	9	20	12				
Fruit Cocktail ...	15	9	20	12				
Grapefruit ...	15	9	20	12				
Pears—								
Syrup pack—Halves ...	15	8½	20	12				
Whole ...	15	8½	20	12				85
Solid pack or pie fruit								
Peaches—								
Syrup pack—Halves ...	15	9	20	12				
Sliced ...	15	10	20	13				85
Solid pack or pie fruit	15	12	20	16				
Pineapple—								
Sliced ...	15	11	20	14				
Crushed in syrup ...	15	12	20	15				70
Crushed in natural juice								
Plums, Prune Plums ...	15	8	20	11				
Rhubarb—								
Solid pack or pie fruit	15	12	20	16				80
Tomatoes ...	15		20		28		(See grades)	
Asparagus ...			20	12				
Beans—								
Cut ...	15	9	20	12				
Whole ...	15	8	20	11				
Beets—								
Diced or cubed ...	15	9	20	13				
Whole ...	15	8	20	12				
Carrots—								
Diced or cubed ...	15	9	20	13				
Whole ...	15	8	20	12				
Corn—								
Cream Style ...	15		20					
Whole or Cut Kernel..	15	10	20	14				
Lima Beans ...	15	10	20	14				
Mushrooms ...	15	6½	20	9				
Peas ...	15	9½	20	13				
Potatoes, Whole ...	15	8	20	12				
Pumpkin (Squash) ...					29			
Spinach ...	14	9½	19	13				
Sauerkraut ...					27	20		

(3) The minimum net weights of containers for frozen fruits and vegetables are as follows:

Frozen Product	Net Weight
	Ounces
*Apples	15
Blackberries	15
Blueberries—in sugar syrup	15
unsweetened dry pack	11
Loganberries	15
Raspberries—in sugar syrup	15
unsweetened dry pack	11
Strawberries	15
Lawtonberries, thimbleberries, gooseberries, youngberries, currants...	15
Cantaloupe—in sugar syrup	15
dry sugar pack	13
Cherries	15
Peaches	15
Plums	15
Asparagus	10
Beans—Green or wax, cut or French style	10
Lima	12

* Unless specified, the weights for frozen fruits are a sugar syrup pack.

Frozen Product	Net Weight
Broccoli	10
Brussels Sprouts	10
Carrots, Whole or Sliced	10
Cauliflower	10
Corn, all styles	12
Corn-on-Cob	Number of cobs
Peas	
Pumpkin	12
Spinach	14
Mixed Vegetables, peas and carrots	12
	11

(4) The maximum headspace for standard metal containers are as follows:

Size Designation	Diameter and Height	Maximum Headspace
5 fluid ounces	{ 202 x 214 211 x 202	4/16
6 "	202 x 308	5/16
8 "	211 x 304	5/16
10 "	211 x 400	6/16
12 "	211 x 409	6/16
14 "	300 x 400	5/16
15 "	{ 307 x 309 300 x 407 301 x 406	6/16
20 "	307 x 409	6/16
28 "	401 x 411	7/16
48 "	404 x 700	8/16
105 "	603 x 700	8/16
126 "	603 x 812	9/16

(5) The standard of fill of containers for frozen fruits and vegetables is a fill of not less than ninety per cent of the total capacity of the container.

Exports

39. (1) No person shall export out of Canada any canned food product that is of a quality inferior to Standard Quality.

(2) No person shall export out of Canada any food product unless it is accompanied by a Certificate of Export issued by an inspector pursuant to these regulations.

40. (1) An application for a Certificate of Export shall be made to an inspector upon written and adequate notice to him of intention to export.

(2) No Certificate of Export shall be issued by an inspector unless he is satisfied that the food product in respect of which the application is made has been duly inspected and marked according to the provisions of the Act and these regulations.

(3) The Certificate of Export shall be issued in quadruplicate and shall be serially numbered.

(4) The applicant shall deliver the original and the first two copies of the Certificate of Export to the transportation company and the original Certificate of Export shall accompany the shipment by being attached to the original of the Customs Export Entry (Form B. 13) and shall be attached by the Collector of Customs and Excise at the port of exit to the departmental copy of Form B. 13; one copy of the Certificate of Export shall be kept on file by the transportation company accepting the shipment and the other copy shall be forwarded by the transportation company to the Fruit and Vegetable Division, Department of Agriculture, Ottawa; the third copy shall be mailed by the shipper to the consignee.

(5) This section does not apply to sample or gift shipments of a value not exceeding five dollars.

41. (1) The application for a Certificate of Export shall be made to the resident inspector in duplicate who shall initial and return the duplicate copy and, upon completing the inspection, forward the original to the Fruit and Vegetable Division, Marketing Service, Department of Agriculture, Ottawa.

(2) The application for a Certificate of Export shall be in the following form:

Place..... Date.....

I (or we) hereby make application for inspection and "Certificate for Export" for the following shipment for export:—

Name of product.....
 Grade of quality claimed..... Brand.....
 Number of packages..... Size.....
 Name of consignee..... Address.....
 Name of Carrier..... Date to go forward.....

I (or we) hereby declare that the said products are sound, wholesome and fit for human food; that they comply in every respect with the provisions of the "Meat and Canned Foods Act" and the regulations thereunder.

Name of shipper..... Address.....
 Signature

(3) The Certificate of Export shall be in the following form:

This is to Certify that I have received an application for an Export Certificate duly executed by the applicant.

Exporter..... Address.....

No. Cases	Product	Size	Quality	Brand
Identification Marks				
Shipping Marks				
Consignee				
Address				
Carrier				

I have examined containers or packages taken from various parts of the shipment, and judging by the marking thereon I would consider said packages and containers were marked to meet the requirements of the "Meat and Canned Foods Act" and the Regulations made thereunder.

In consideration of the declaration of the shipper, I herewith grant Export Certificate for the above described shipment.

Date
 Inspector under Meat and Canned Foods Act

(4) Way bills, transfer bills, running slips or conductors' cards accompanying any shipment of canned food products intended for export out of Canada shall have stamped thereon or attached thereto the following certificate:

"Shipment inspected and marked as evidenced by Certificate for Export No. on file with the initial carrier."

Agent

42. Canned food products not labelled or marked in accordance with section twenty-eight may be exported out of Canada to comply with established trade conditions abroad if the establishment number or code is marked on the label or embossed on the container or if the containers are of six pounds or larger for remanufacturing purposes and

(a) the contract of sale states the quality of the product in terms of the grades established by these regulations, or the shipper furnishes a signed statement of the quality ordered and an inspection on this basis has been made before shipment moves; and

- (b) any labels or other marks on the container do not misrepresent the quality or have thereon any statement of quality inconsistent with the standards established by these regulations.

Imports

43. (1) No person shall import any canned food product that is below the minimum grades established by these regulations for such product.

(2) No canned food product shall be allowed to enter Canada unless the shipment is accompanied by an affidavit in duplicate taken by the manufacturer thereof, or by such other person as an inspector is satisfied is competent to swear the affidavit, before a justice of the peace or other person authorized to attest such declarations, in the following form:

Place.....
Date.....

To the Collector of Customs and Excise,
Dominion of Canada,

I (or we) hereby declare that the shipment described herein was manufactured from sound raw materials, and that its manufacture was carried on under the sanitary conditions provided for in the Regulations under the "Meat and Canned Foods Act" of the Dominion of Canada, that the products are at the time of shipment sound, wholesome and fit for human food, that the containers and packages show thereon the true name and address of the manufacturer, or of the first dealer, and that the description of the contents is true and correct and conforms to the quality, container and labelling requirements of the said Regulations.

That the shipment is described as follows:

No. Cases	Product	Size	Quality	Brand
Identification marks				
Name and address of the actual manufacturer				
.....				
Name and address of shipper				
Name and address of consignee				
.....				

Signature of Shipper

Sworn to before me this day of, 19...

(Signature of Commissioner or
Justice of the Peace)

(3) All canned food products entering Canada are subject to such inspection in Canada as an inspector may deem necessary or advisable, and any such canned food product that does not conform to the requirements of these regulations shall be refused entry into Canada or, if entered, shall, upon condemnation by an inspector, be forfeited to His Majesty, and may be disposed of as the Minister may direct.

(4) Importers shall furnish to the inspector free of charge necessary samples for examination of any canned food product being imported and the report of such examination shall be furnished to the importer.

(5) Collectors of Customs and Excise shall attach one of the affidavits accompanying the shipment to their entry Form B-1 and shall forward the same to the Deputy Minister of National Revenue, (Customs and Excise); the other affidavit shall be kept on file for one year for the information of any inspector.

(6) This section does not apply to sample or gift shipments of a value not exceeding five dollars.

44. (1) Subject to the provisions of this section the requirements of section forty-three do not apply to imports of canned food products for manufacturing purposes.

(2) An inspector shall attach to or place upon canned food products imported for remanufacturing purposes a Held Tag and no inspector shall authorize removal of the Held Tag until he is satisfied that the food products are sound, wholesome and fit for food and will be used only for remanufacturing purposes.

Duties of Customs Officers

45. All officers as defined in the Customs Act before permitting the import into Canada or the export out of Canada of any canned food products shall satisfy themselves that the import or export, as the case may be, of those products is permitted by the Act and these regulations and that all the requirements of the Act and these regulations with reference to those products have been complied with.

PART II—GRADES AND STANDARDS

First Division—Canned Fruits and Vegetables

46. (1) Except where otherwise provided in these regulations, the grades for canned fruits and vegetables are "Fancy Quality", "Choice Quality" and "Standard Quality"; the standards for each grade or food product are as prescribed for that grade or food product in the table set out in this section and the standards so prescribed are applicable to food products of solid pack, water pack, syrup pack or brine pack.

(2) Any canned fruit or vegetable, if wholesome and fit for food, but that fails to meet the lowest standard prescribed for such product shall be graded and labelled as "Sub-Standard Quality".

(3) The table of grades and standards for canned fruits and vegetables is as follows:

TABLE I—CANNED FRUITS AND VEGETABLES

Grades and Standards

1. Apples

(a) *Fancy Quality Apples*—Prepared from apples of one variety, properly peeled, cored and trimmed, free from worm holes, scabs and other defects; the pieces to be 90 per cent free from core, evenly cut and uniform in size and shape; when processed, the colour shall conform to the natural colour of the variety used; the pieces to remain 90 per cent whole with the variation in size and shape of the pieces not to exceed 10 per cent; the variation in colour not to exceed 5 per cent.

(b) *Choice Quality Apples*—Prepared from apples of one variety, properly peeled, cored, trimmed, free from worm holes, scabs and other defects; the pieces to be 80 per cent free from core, fairly evenly cut and fairly uniform in size and shape; when processed, the colour shall conform fairly true to the natural colour of the variety used; the pieces to remain 80 per cent whole with the variation in the size and shape of the pieces not to exceed 25 per cent; the variation in the colour not to exceed 10 per cent.

(c) *Standard Quality Apples*—Prepared from apples or portions thereof, properly peeled, cored, trimmed, free from worm holes, scabs and other defects; the pieces to be 60 per cent free from core, reasonably evenly cut and reasonably uniform in size and shape; when processed, the colour shall conform reasonably to the natural colour of the varieties used; the pieces to remain 60 per cent whole with the variation in the size and shape of pieces not to exceed 40 per cent; the variation in the colour not to exceed 20 per cent.

2. Sliced Canned Apples

Sliced Canned Apples are segments of apples obtained by cutting the fruit longitudinally to a thickness of not less than one-half inch. The grades for sliced apples are Fancy, Choice and Standard Quality; the requirements for each grade correspond to the standards set forth in this Table for apples.

3. Apple Sauce

(a) *Fancy Quality Apple Sauce*—Prepared from sound, fresh apples of proper ripeness; carefully washed and trimmed; the finished product may be screened or lumpy and of such consistency that when poured from the can at room temperature upon a flat surface, the mass remains slightly convex; it shall be free from specks, core matter and bruised portions; uniformly light in colour and of very good apple flavour.

(b) *Choice Quality Apple Sauce*—Prepared from sound, fresh apples of proper ripeness, carefully washed and trimmed; the finished product may be screened or lumpy and of such consistency that when poured from the can at room temperature upon a flat surface the mass remains slightly convex; it shall be practically free from specks, core matter and bruised portions, reasonably light in colour and of good apple flavour.

(c) *Standard Quality Apple Sauce*.—Apple pulp reduced to a fairly heavy consistency, reasonably free from specks or core matter and having a fairly good apple flavour.

4. Apple Juice

(a) *Fancy Quality Apple Juice*—Has a bright characteristic amber colour; it shall be free from particles of apple pulp, seeds and other residue; the flavour and aroma of the juice has the natural flavour and aroma of ripe apples; its specific gravity is not less than 1.050 and not more than 1.060 when tested with suitable hydrometer at the temperature indicated for the instrument used; the acidity of the juice is not less than 0.4 per cent and not more than 0.65 per cent of malic acid, calculated in terms of per cent by volume, except that juice in excess of 0.65 per cent and otherwise meeting the requirements of Fancy Quality may be additionally marked "Acid Type" or "Sharp"; if prepared without filtration or clarification the juice shall be free from visible suspended particles and marked "Unclarified Apple Juice"; if processed to include a substantial proportion of pulp the product shall be designated "Crushed Apple Juice".

(b) *Choice Quality Apple Juice*—Has a bright characteristic amber colour; it is practically free from particles of apple pulp, seeds and other residue; the flavour and aroma of the juice has the natural flavour and aroma of ripe apples; its specific gravity is not less than 1.045 and not more than 1.060 when tested with a suitable hydrometer at the temperature indicated for the instrument used; the acidity of the juice is not less than 0.4 per cent and not more than 0.65 per cent of malic acid, calculated in terms of per cent by volume, except that juice in excess of 0.65 per cent and otherwise meeting the requirements of Choice Quality may be additionally marked "Acid Type" or "Sharp"; if prepared without filtration or clarification the juice shall be free from visible suspended particles and marked "Unclarified Apple Juice"; if processed to include a substantial proportion of pulp the product shall be designated "Crushed Apple Juice".

5. Vitaminized Apple Juice

Vitaminized Apple Juice* shall comply with the requirements of Fancy or Choice Quality Apple Juice and in addition, the product shall contain not less than 35 mgms. of biologically active ascorbic acid per 100 cc. of juice, determined by the indophenol titration method, at any time within twelve months from the date of packing.

6. Apricots

(a) *Fancy Quality Apricots*—Prepared from apricots of proper maturity, extra good colour and free from blemishes; when processed, the fruit shall be 85 per cent uniform in colour and maturity and 75 per cent uniform in size and shape; the syrup shall be clear; in the case of whole apricots, the fruit shall be not less than one and one-quarter inches in diameter.

* The fortification of apple juice with ascorbic acid (Vitamin C) is covered by Patent No. 395770. The patent rights have been surrendered to His Majesty. Processors may apply for details of the equipment prerequisite for licensed use of the patent. Application for licence should be certified by the local inspector.

(b) *Choice Quality Apricots*—Prepared from apricots of proper maturity, good colour and free from blemishes; when processed, the fruit shall be 75 per cent uniform in size, colour and maturity; the syrup shall be clear; in the case of whole apricots, the fruit shall be not less than one and one-quarter inches in diameter.

(c) *Standard Quality Apricots*—Prepared from apricots of good maturity, good colour and fairly free from blemishes; when processed, the fruit shall be 60 per cent uniform in size, shape and maturity; the syrup shall be fairly clear.

BERRIES (Small Fruits)

7. Blackberries

(a) *Fancy Quality Blackberries*—Prepared from large or medium, clean, sound, ripe blackberries, free from worms, stems, leaves, dried berries; when processed, the berries shall be firm, 90 per cent whole, 90 per cent uniform in size and a good characteristic colour; the syrup shall be clear.

(b) *Choice Quality Blackberries*—Prepared from clean, sound, ripe blackberries, free from worms, stems, leaves, dried berries; when processed, the berries shall be firm, 75 per cent whole, 75 per cent uniform in size and colour; the syrup shall be fairly clear.

(c) *Standard Quality Blackberries*—Prepared from clean, sound, ripe blackberries, free from worms, stems, leaves, dried berries; when processed, the berries shall be 50 per cent whole and may include a small portion of immature or overripe fruit; the syrup shall be fairly clear.

8. Blueberries

(a) *Fancy Quality Blueberries*—Prepared from large, sound, clean, ripe, firm blueberries, free from worms, stems, leaves, dried berries; when processed, the berries shall be firm, 90 per cent whole, 90 per cent uniform in size and a good characteristic colour; the syrup shall be clear.

(b) *Choice Quality Blueberries*—Prepared from clean, sound, ripe blueberries, free from worms, stems, leaves, dried berries; when processed, the berries shall be firm, 80 per cent whole, 80 per cent uniform in size and colour; the syrup shall be fairly clear.

(c) *Standard Quality Blueberries*—Prepared from clean, sound, ripe blueberries, free from worms, stems, leaves, dried berries; when processed, the berries shall be 50 per cent whole and may include a portion of immature or overripe fruit; the syrup shall be fairly free from sediment.

9. Loganberries

(a) *Fancy Quality Loganberries*—Prepared from clean, sound, ripe, firm loganberries, large or medium in size, free from worms, stems, leaves, dried berries, when processed, the berries shall be firm, 90 per cent whole, 90 per cent uniform in size and of good characteristic colour; the syrup shall be clear.

(b) *Choice Quality Loganberries*—Prepared from clean, sound, ripe, firm loganberries, free from worms, stems, leaves, dried berries; when processed, the berries shall be 80 per cent whole, 80 per cent uniform in size and colour; the syrup shall be fairly clear.

(c) *Standard Quality Loganberries*—Prepared from clean, sound, ripe loganberries, free from worms, stems, leaves, dried berries; when processed, the berries shall be 50 per cent whole and may include a small portion of immature or overripe fruit; the syrup shall be fairly free from sediment.

10. Raspberries

(a) *Fancy Quality Raspberries*—Prepared from clean, sound, ripe, firm raspberries, free from stems, leaves, green, dried berries; when processed, the berries shall be 95 per cent whole, practically uniform in size and of good characteristic colour; the syrup shall be clear.

(b) *Choice Quality Raspberries*—Prepared from clean, sound, ripe, firm raspberries, free from stems, leaves, green, dried berries; when processed, the berries shall be 85 per cent whole, 75 per cent uniform in size and colour; the syrup shall be practically clear.

(c) *Standard Quality Raspberries*—Prepared from clean, sound, ripe raspberries, free from stems, leaves or any considerable amount of dried berries; when processed, the berries shall be 60 per cent whole; the fruit need not be uniform in size.

11. Lawtonberries

The grades for Lawtonberries are Fancy, Choice and Standard Quality; the requirements for each grade correspond to the standards set forth in this Table for raspberries.

12. Thimbleberries

The grades for Thimbleberries are Fancy, Choice and Standard Quality; the requirements for each grade correspond to the standards set forth in this Table for raspberries.

13. Currants

The grades for Currants are Fancy, Choice and Standard Quality; the requirements of each grade correspond to the standards set forth in this Table for raspberries.

14. Gooseberries

The grades for Gooseberries are Fancy, Choice and Standard Quality; the requirements for each grade correspond to the standards set forth in this Table for raspberries.

15. Strawberries

(a) *Fancy Quality Strawberries*—Prepared from clean, sound, ripe strawberries, medium or large in size, free from stems, leaves, dried berries; when processed, the berries shall be whole, 90 per cent uniform in size and maturity and free from green tips; the syrup shall be clear.

(b) *Choice Quality Strawberries*—Prepared from clean, sound, ripe strawberries, free from stems, leaves, dried berries; when processed, the berries shall be mostly whole, 75 per cent uniform in size and maturity and free from green tips; the syrup shall be fairly clear.

(c) *Standard Quality Strawberries*—Prepared from clean, sound, ripe strawberries, free from stems, leaves, dried berries; when processed, the fruit shall be free from any considerable amount of green-tipped berries; the fruit need not be uniform in size or maturity.

16. Cherries

(a) *Fancy Quality Cherries*—Prepared from large, sound, firm, ripe cherries, free from stems, leaves and blemishes; when processed, the fruit shall remain whole, 90 per cent uniform in size and colour and if pitted, free from pits or portions thereof; the syrup shall be clear.

(b) *Choice Quality Cherries*—Prepared from sound, firm, ripe cherries, free from stems, leaves and practically free from blemishes; if unpitted, the fruit shall remain whole, 70 per cent uniform in size and colour; if pitted, the fruit shall be 75 per cent whole and unbroken, practically free from pits or portions thereof; the syrup shall be clear.

(c) *Standard Quality Cherries*—Prepared from sound, firm, ripe cherries, free from stems, leaves or serious blemishes; if pitted, the fruit shall be 50 per cent whole and 90 per cent free from pits or portions thereof; the fruit need not be uniform in size and colour.

17. Maraschino Cherries

For the purpose of these grades "large cherries" are those which, when pitted direct from the brine, will require an average of not more than 160 to the pound; "medium cherries" are those which, when pitted direct from the brine, will require an average of not more than 225 to the pound.

(a) *Fancy Quality Maraschino, Creme de Menthe, Cocktail Cherries*—Prepared from whole, large cherries; the finished product shall be uniform in size and colour and practically free from any spotted, split or blemished cherries.

(b) *Choice Quality Maraschino, Creme de Menthe, Cocktail Cherries*—Prepared from whole, medium or large cherries; the finished product shall be 80 per cent uniform in size and colour and 80 per cent free from any spotted, split or blemished cherries.

(c) *Standard Quality Maraschino, Creme de Menthe, Cocktail Cherries*—Prepared from whole and broken cherries that are sound and wholesome; the finished product shall be fairly uniform in colour and shall contain not more than 50 per cent spotted fruit.

18. Fruits for Salad

Fruits for Salad—Prepared from a combination of peaches, pears, apricots and maraschino cherries (and may include pineapple or seedless grapes or both) in the style and in proportions by drained weight as follows:

<i>Fruit</i>	<i>Style</i>	<i>Per Cent</i>
Peaches	—Peeled (halved, quartered or sliced)	24 to 40
Apricots	—Peeled or unpeeled (halves)	18 to 30
Pears	—Peeled and cored (halved, quartered or sliced)	21 to 35
Pineapple	—Segments	8 to 16
Cherries or Grapes—Whole or halved		2 to 6

The grades for Fruits for Salad are Fancy, Choice and Standard Quality, the grading to correspond to the lowest grade of any of the ingredients as established by these regulations.

19. Fruit Cocktail

Fruit Cocktail—Prepared from a combination of peaches, pears, pineapple and maraschino cherries (and may include seedless grapes) in the style and in proportions by drained weight as follows:

<i>Fruit</i>	<i>Style</i>	<i>Per Cent</i>
Peaches	—Diced into approximate cubes	30 to 50
Pears	—Diced into approximate cubes	25 to 45
Pineapple	—Cut into segments or into approximate half-inch cubes	6 to 16
Maraschino Cherries or Grapes	—Whole or halved	2 to 6

The grades for Fruit Cocktail are Fancy, Choice and Standard Quality, the grading to correspond to the lowest grade of any of the ingredients as established by these regulations.

20. Fruit Salad

Fruit Salad—Prepared from a combination of any two or more fruits, diced, halved or quartered, with the predominating fruit not to exceed 60 per cent of the total product. The grades for this product are Fancy, Choice and Standard Quality, the grading to correspond to the lowest grade of any of the ingredients as established by these regulations.

21. Grapefruit

(a) *Fancy Quality Grapefruit*—Prepared from sections of sound, ripe grapefruit, carefully peeled and free from seeds, membrane, white fibrous material or "rag"; the canned product shall be 75 per cent in large sections and uniform in colour.

(b) *Choice Quality Grapefruit*—Prepared from sections of sound, ripe grapefruit, carefully peeled and free from seeds, membrane, white fibrous material or "rag"; the canned product shall be 50 per cent in large sections and uniform in colour.

(c) *Standard Quality Grapefruit*—Prepared from sections of sound, ripe grapefruit, carefully peeled and all seeds, membrane and white fibrous material or "rag" removed; the sections need not be whole or uniform in size.

21A. Grapefruit and Orange Sections

Grapefruit and Orange Sections or Orange and Grapefruit Sections prepared from sound ripe grapefruit and orange, carefully peeled and free from seeds, white fibrous material or "rag". The grades for this product are Fancy, Choice and Standard Quality and the grading shall correspond to the standards set forth in this Table for grapefruit.

22. Peaches

(1) *Peaches (Halved or Quartered)*

(a) *Fancy Quality Peaches*—Prepared from sound, clean, ripe, firm peaches, free from blemishes, worms, skins and pits; when processed, the fruit shall be natural colour and 85 per cent uniform in size, colour and maturity and without excessive ragged edges or centres; the syrup shall be clear; no peaches less than two inches in diameter shall be used.

(b) *Choice Quality Peaches*—Prepared from sound, clean, ripe, firm peaches, free from blemishes, skins, pits and worms; when processed, the fruit shall be 65 per cent uniform in size, colour and maturity; the syrup shall be fairly clear.

(c) *Standard Quality Peaches*—Prepared from clean, ripe peaches, free from pits and worms; when processed, the fruit shall be fairly free from portions of skins, blemishes or other defects and 50 per cent uniform in size, colour and maturity; the syrup shall be fairly clear.

(2) *Peaches (Whole)*

(a) *Fancy Quality Whole Peaches*—Prepared from sound, clean, ripe, firm peaches, free from blemishes and other defects; when processed, the fruit shall be a good natural colour and practically uniform in size, colour and maturity; the syrup shall be clear; no peaches less than two inches in diameter shall be used.

(b) *Choice Quality Whole Peaches*—Prepared from sound, clean, ripe, firm peaches, free from blemishes and other defects; when processed, the fruit shall be 75 per cent uniform in size, colour and maturity; the syrup shall be clear; no peaches less than one and three-quarter inches in diameter shall be used.

(c) *Standard Quality Whole Peaches*—Prepared from sound, clean, ripe peaches, practically free from blemishes and other defects; when processed, the fruit shall be 50 per cent uniform in size, colour and maturity; the syrup shall be fairly clear.

(3) *Peaches (Sliced)*

(a) *Fancy Quality Sliced Peaches*—Prepared from sound, clean, fancy halves of good colour, ripe but not mushy and free from serious blemishes; when processed, the slices shall be 85 per cent whole and intact, uniform in colour and maturity; the syrup may be slightly cloudy.

(b) *Choice Quality Sliced Peaches*—Prepared from sound, clean, choice halves of good colour, ripe but not mushy; when processed, the slices shall be 65 per cent whole and intact, uniform in colour and maturity; the syrup may be slightly cloudy.

(c) *Standard Quality Sliced Peaches*—Prepared from clean, sound halves of reasonably good colour and maturity; when processed, the slices shall be 50 per cent whole and the syrup may be cloudy.

23. Pears

(1) *Pears (Halved or Quartered)*

(a) *Fancy Quality Pears*—Prepared from sound, clean, firm, ripe pears, free from worm holes, scabs, bruises or rot, smoothly peeled, evenly halved or quartered, and carefully cored; when processed, the fruit shall be 85 per cent uniform in size, colour and maturity and free from any ragged or soft portions; the syrup shall be clear; no pears under two inches in diameter shall be used.

(b) *Choice Quality Pears*—Prepared from sound, clean, firm, ripe pears, free from worm holes, scabs, bruises or rot, carefully cored, peeled and trimmed;

when processed the fruit shall be 65 per cent uniform in size, colour and maturity; the syrup shall be clear; no pears under one and three-quarter inches in diameter shall be used.

(c) *Standard Quality Pears*—Prepared from sound, clean, ripe pears, free from worm holes, properly peeled, cored and trimmed; when processed, the fruit shall be 50 per cent uniform in colour and maturity; halves fairly whole and the syrup fairly clear.

(2) *Pears (Whole)*

(a) *Fancy Quality Whole Pears*—Prepared from sound, clean, ripe pears, smoothly peeled, free from worm holes, scab, bruises or rot, stems and blossom end; when processed, the fruit shall be 85 per cent uniform in size, colour and maturity and free from soft pears; the syrup shall be clear; no pears under two inches in diameter shall be used.

(b) *Choice Quality Whole Pears*—Prepared from sound, clean, ripe pears, smoothly peeled, free from worm holes, scab, bruises or rot, stems and blossoms end; when processed, the fruit shall be 65 per cent uniform in size, colour and maturity; the syrup may be slightly cloudy; no pears less than one and three-quarter inches in diameter shall be used.

(c) *Standard Quality Whole Pears*—Prepared from sound, clean, ripe pears, free from worm holes, stems and blossom end, properly peeled and trimmed; when processed, the fruit shall be 50 per cent uniform in size, colour and maturity; the syrup may be cloudy.

24. Pineapple

(1) *Sliced Pineapple*

(a) *Fancy Quality Sliced Pineapple*—Prepared from sound, clean, properly matured pineapple, free from core, fruit eyes, brown spots, peel or other defects; when processed, the slices of pineapple shall be 90 per cent uniform in size, colour and maturity.

(b) *Choice Quality Sliced Pineapple*—Prepared from sound, clean, properly matured pineapple, practically free from core, fruit eyes, brown spots, peel or other defects; when processed, the slices of pineapple shall be 75 per cent uniform in size, colour and maturity.

(2) *Crushed or Grated Pineapple*

(a) *Fancy Quality Crushed or Grated Pineapple*—Prepared from sound, clean, ripe pineapple, properly cored, trimmed and free from eyes or other imperfections; when processed, the fruit shall be 90 per cent uniform in colour and maturity.

(b) *Choice Quality Crushed or Grated Pineapple*—Prepared from sound, clean, ripe pineapple, properly cored, trimmed, and practically free from eyes and other imperfections; when processed, the fruit shall be 75 per cent uniform in colour and maturity.

(3) *Pineapple Tid-Bits, Tit-Bits*

(a) *Fancy Quality Tid-Bits or Tit-Bits*—Prepared from segments or small portions of clean, sound, properly matured pineapple, free from core, fruit eyes, brown spots, peel or other defects; when processed, the pieces of pineapple shall be 90 per cent uniform in size, colour and maturity.

(b) *Choice Quality Pineapple Tid-Bits or Tit-Bits*—Prepared from segments or small portions of clean, sound, properly matured pineapple, practically free from core, fruit eyes, brown spots, peel or other defects; when processed, the pieces of pineapple shall be 75 per cent uniform in size, colour and maturity.

(4) *Confectioners' Sliced Pineapple*

Confectioners' Sliced Pineapple (for remanufacturing or glacé purposes)—Prepared from clean, sound pineapple, ripe or unripe, cored or uncored and sliced uniformly in diameter and thickness. The term "Confectioners' Sliced Pineapple" either "Cored" or "Uncored" shall be considered an accurate label description.

(5) *Pineapple Cores*

Pineapple Cores (for remanufacturing or glacé purposes)—Prepared from clean, sound, sliced or whole pineapple with pieces cut uniformly in diameter and thickness.

25. Plums—Prune Plums

(a) *Fancy Quality Plums—Fancy Quality Prune Plums*—Prepared from sound, clean, firm, ripe plums or prune plums, free from stems, leaves and blemishes; when processed, the fruit shall remain whole and practically uniform in size, colour and maturity; no small or under-sized plums or prune plums shall be included; the syrup shall be clear.

(b) *Choice Quality Plums—Choice Quality Prune Plums*—Prepared from sound, clean, firm, ripe plums or prune plums, free from stems, leaves and practically free from blemishes; when processed, the fruit shall be 90 per cent whole and 75 per cent uniform in size, colour and maturity; the syrup shall be fairly clear.

(c) *Standard Quality Plums—Standard Quality Prune Plums*—Prepared from clean, ripe plums or prune plums, free from stems, leaves and fairly free from blemishes; when processed, the fruit need not be uniform in size, colour and maturity, but must be 60 per cent whole.

26. Pie Fruits, Solid Pack

Pie Fruits, Solid Pack (other than apple)—Prepared from sound, clean, ripe fruit of good edible quality; the fruit need not be uniform in size, colour or maturity. Such product does not require a grade marking but should a quality be claimed it shall be consistent with the gradings for other canned products of similar name or variety as prescribed by these regulations.

27. Fruit Pulps

Fruit Pulps (for remanufacture)—Prepared from sound, clean, ripe, fresh fruit of good edible quality; preserved in sulphur dioxide or packed in sugar as 2 plus 1 or 3 plus 1 fruits. The fruit may be crushed, sliced or whole and need not be uniform in size, colour and maturity. All containers of fruit pulps packed for resale shall show all information required by these regulations to be set forth on the container.

28. Fountain Fruits

Fountain Fruits are fruits preserved in syrup for soda fountain purposes, in which the use of a preservative, colour or artificial flavour is permitted.

28A. Glacé Fruit

Glacé fruit is the whole or cut fruit impregnated and glazed with sugar or glucose in which the use of a preservative, artificial colour and flavour is permitted.

28A. Mincemeat

Mincemeat shall be the product prepared from fresh or dried fruits, of which apple is the principal fruit ingredient, sugar and/or glucose, suet and spices; with or without vinegar, fresh concentrated or fermented fruit juice, spirituous liquor, cooked meats, nuts and if declared, one permitted preservative.

29. Tomatoes**(a) General Requirements—**

- (i) Canned tomatoes are mature tomatoes of red or reddish varieties that are peeled, cored and trimmed, packed into cans as whole as possible and to which only may be added the juice obtained from other mature, whole tomatoes; the juice or pulp obtained from trimmings or tomato residual material is prohibited.
- (ii) The factor of solidity refers to the proportion of tomato meat to juice present. The calculation shall be based on the percentage of tomato meat after draining the sample on a screen two meshes to the inch for one-half minute, the wire of the screen being approximately one-thirty-

seconds of an inch. Screen eight inches in diameter is used for grading tomatoes packed in 28 fluid ounce size cans or smaller; screen twelve inches in diameter for the grading of larger cans.

- (iii) Purified calcium chloride, calcium citrate, monocalcium phosphate, or calcium sulphate, or any combination of any of these, may be used to condition the tomatoes provided that the presence of such conditioner is declared upon the main panel of the inner label, and provided also that the amount of such conditioner (calculated as calcium) shall not be more than 0.026 per cent by weight of the finished product.

(b) *Fancy Quality Tomatoes*—Prepared from selected clean, sound, firm, red-ripe tomatoes; when processed, the canned product shall remain practically whole, shall have a good flavour, uniform in colour, free from pieces of skin, core, black spots, sun scald or other such defects; it shall contain not less than 65 per cent drained tomato solids.

(c) *Choice Quality Tomatoes*—Prepared from clean, sound, firm, red-ripe tomatoes; when processed, the canned product shall have a good flavour, fairly uniform in colour, practically free from pieces of skin and core, free from black spots, sun scald and other such defects; the majority of tomatoes shall be whole or in large pieces and shall contain not less than 60 per cent drained tomato solids.

(d) *Standard Quality Tomatoes*—Prepared from field run of clean, sound, ripe tomatoes; when processed, the canned product shall have a fairly good colour, reasonably free from pieces of skin and core, practically free from black spots or sun scald and other such defects; it shall contain not less than 50 per cent drained tomato solids.

30. Tomato Products

(a) General Requirements—

- (i) Tomato Juice, Tomato Juice Cocktail, when examined according to the "Howard" Method, mould filaments shall not appear in more than 25 per cent of the microscopic fields; bacteria shall not exceed fifty million, yeasts and spores three million nine hundred thousand per millilitre; the methods for microbiological analyses shall be those approved by the Dominion Agricultural Bacteriologist, Science Service, Department of Agriculture, Ottawa.
- (ii) Tomato puree, pulp, catsup and paste (adjusted to specific gravity of 1.035 or more) when examined according to the "Howard" Method, mould filaments shall not appear in more than 50 per cent of the microscopic fields; bacteria shall not exceed one hundred million, yeast and spores seven million five hundred thousand per millilitre; the methods for microbiological analyses shall be those approved by the Dominion Agricultural Bacteriologist, Science Service, Department of Agriculture, Ottawa.
- (iii) The copper content of tomato products shall not exceed fifty parts per million of dried total solids.
- (iv) Tomato paste, puree, pulp or catsup designated as "Pure" shall not have any preservative or colour.
- (v) Preservative may be used in tomato catsup, puree or pulp if declared on the label as provided in these regulations.
- (vi) Colouring matter that does not conceal damage or inferior natural colour may be used in tomato paste or catsup if declared on the label as provided in these regulations.

(1) Tomato Juice

(a) General Requirements—

- (i) *Tomato Juice*—Prepared from unconcentrated, pasteurized liquid of the tomato with a proportion of the pulp expressed, with or without the application of heat and by any method which does not add water thereto, from whole, ripe tomatoes from which all stems and objectionable portions have been removed.

- (ii) If salt or sugar is added to tomato juice, it shall be used dry or dissolved in the juice obtained from the whole tomatoes. A brine made from water and salt or sugar shall not be used.

(b) *Fancy Quality Tomato Juice*—Has the flavour of well ripened tomatoes, good consistency and free from particles of skin, seeds and minute pieces of core; the colour of this grade shall be equal to or better than the colour designated "Dull Terra Cotta" (No. 4) plate 331, Répertoire de Couleurs, except that it must be somewhat more pink—or that produced by spinning a combination of the following Munsell colour discs: 70 per cent (5R 2·6/13-glossy finish); 15 per cent (2·5YR 5/12-glossy finish); 5 per cent (N1-glossy finish); 10 per cent (N4-Matte finish).

(c) *Choice Quality Tomato Juice*—Has the flavour of well ripened tomatoes fairly good consistency and practically free from particles of skin, seeds and minute pieces of core; the colour for this grade shall be equal to or better than the same tone as, but slightly less orange than the colour designated "Dull Terra Cotta" (No. 4) plate 331, Répertoire de Couleurs—or that produced by spinning a combination of the following Munsell colour discs: 67 per cent (5R 2·6/13-glossy finish); 20 per cent (2·5YR 5/12-glossy finish); 4 per cent (N1-glossy finish); 9 per cent (N4-Matte finish).

(2) *Tomato Juice Cocktail*

Tomato Juice Cocktail—Prepared from the unconcentrated, pasteurized liquid of the tomato expressed from clean, whole, ripe, thoroughly washed tomatoes, with or without the agency of heat, but which contains salt or sugar and any other non-artificial flavouring ingredient or ingredients with the tomato juice content not to be less than 80 per cent of the finished product.

(3) *Tomato Puree*

Tomato Puree—Prepared from clean, sound, ripe, thoroughly washed tomatoes of good flavour with the skins and seeds removed and concentrated to one-half or less of its original bulk or not less than 1·05 specific gravity.

(4) *Tomato Pulp*

Tomato Pulp—Prepared from trimmings of clean, sound, ripe tomatoes that have been sorted and thoroughly washed before peeling; trimmings which contain portions of rot, ferment, mould or other objectionable matter shall not be used in the manufacture of pulp.

(5) *Tomato Paste*

Tomato Paste—Prepared with or without salt, from the concentration by evaporation of clean, sound tomatoes or trimmings from such that have been sorted and thoroughly washed before peeling; the trimmings used in the manufacture of this product shall be thoroughly inspected so as to remove all portions of rot, mould or any objectionable matter before processing. Tomato paste shall contain not less than 20 per cent salt-free tomato solids, concentrated tomato paste 30 per cent salt-free tomato solids as determined by drying in a vacuo at 70 degrees centigrade. Concentrated Tomato Paste is a similar product which shall contain not less than 30 per cent of tomato solids as determined by drying in vacuo at 70 degrees centigrade.

(6) *Tomato Catsup*

Tomato Catsup (also known as Tomato Catchup or Ketchup)—Prepared from the pulp and juice of red-ripe tomatoes obtained by so straining such tomatoes so as to exclude skins, seeds and other coarse substances; concentrated and seasoned with salt, sugar, vinegar, added flavouring and spices.

31. *Asparagus*

(a) *General Requirements*—

- (i) Asparagus labelled as "Tips" or "Spears" shall not exceed four and one-half inches in length.

- (ii) When colour is claimed, namely, "Green" or "White", the spear shall be uniform colour throughout the stalk for Fancy Quality, fairly uniform in colour throughout the stalk for Choice Quality.

(b) *Fancy Quality Asparagus Tips or Spears*—Prepared from young, crisp and tender asparagus, free from white and woody butts, decay and free from damage caused by dirt, disease, insects, mechanical or other means; when processed, the tips or spears shall be tender, practically straight, uniform in colour and size; size is not a grade factor if declared "ungraded as to size", "mixed sizes" or "assorted sizes"; the heads shall be compact and not flowered in any way; the brine shall be clear.

(c) *Choice Quality Asparagus Tips or Spears*—Prepared from fairly young, crisp and tender asparagus, practically free from white or woody butts and free from damage caused by dirt, disease, insects, mechanical or other means; when processed, the tips or spears shall be tender, practically straight and 90 per cent uniform in colour and size; size is not a grade factor, if declared "ungraded as to size", "mixed sizes" or "assorted sizes"; the heads shall be fairly compact; the brine shall be fairly clear.

(d) *Standard Quality Asparagus Tips or Spears*—Prepared from asparagus that is sound, wholesome and edible; when processed, the tips or spears need not be uniform in colour, size or maturity, but must be 80 per cent free from coarse, fibrous or woody butts.

32. Asparagus Cuts or Cuttings

(a) *Fancy Quality Asparagus Cuts or Cuttings*—Prepared from young, crisp and tender asparagus; when processed, the product must contain 20 per cent by count of compact heads; the pieces must be evenly cut to a uniform length not exceeding one and one-half inches, free from any coarse, fibrous or woody material; the brine shall be clear; whole spears must be cut in order to obtain this grade.

(b) *Choice Quality Asparagus Cuts or Cuttings*—Prepared from those portions of fairly young, crisp and tender asparagus; when processed, the product shall contain 10 per cent by count of fairly compact heads; the pieces shall be fairly evenly cut to a length not exceeding one and one-half inches, 75 per cent uniform in colour and 90 per cent free from coarse, fibrous or woody material; the brine shall be fairly clear. A Choice Quality Cutting may be packed without tips if appropriately labelled with the words "tips removed" or "without tips" appearing directly below the name of the product and in type of equal size not less prominent than the name of the product.

(c) *Standard Quality Asparagus Cuts or Cuttings*—Prepared from those portions of asparagus stalks that are sound, wholesome and edible; when processed, the pieces need not be uniformly cut, but shall not exceed one and one-half inches, they must be 80 per cent free from coarse, fibrous or woody material.

33. Beans, Green and Wax (Whole or Cut)

(a) General Requirements—

- (i) When string beans are graded as to size they shall pass through the sieves of the following dimensions and shall be known by the sieve number as indicated:

No. 1 size string beans are beans that will pass through a sieve $14\frac{1}{2}/64$ of an inch or smaller in diameter.

No. 2 size string beans are beans that will pass through a sieve $18\frac{1}{2}/64$ of an inch in diameter, but not through a sieve $14\frac{1}{2}/64$ of an inch in diameter.

No. 3 size string beans are beans that will pass through a sieve $21/64$ of an inch in diameter, but not through a sieve $18\frac{1}{2}/64$ of an inch in diameter.

No. 4 size string beans are beans that will pass through a sieve 24/64 of an inch in diameter, but not through a sieve 21/64 of an inch in diameter.

No. 5 size string beans are beans that will pass through a sieve 27/64 of an inch in diameter, but not through a sieve 24/64 of an inch in diameter.

No. 6 size string beans are beans that will pass through a sieve over 27/64 of an inch in diameter.

(ii) Optional markings for beans are as follows:

Small	Nos. 1 and 2 combined
Medium	Nos. 3 and 4
Large	No. 5 and over

(iii) When beans are not graded for size they shall be marked "Ungraded as to Size" or "Assorted Sizes" or "Mixed Sizes".

(b) *Fancy Quality Beans*—Prepared from young, tender beans packed while still fresh, free from rust, stems, strings, discolourations and other defects, when processed the pods or pod sections shall have a good normal flavour, uniform in colour and maturity; the brine shall be clear.

(c) *Choice Quality Beans*—Prepared from tender beans packed while still fresh, free from rust, stems, strings, discolourations and other defects; when processed, the pods or pod sections shall have a normal flavour, 80 per cent uniform in colour and maturity; there shall be no hard or woody strings; the brine shall be fairly clear.

(d) *Standard Quality Beans*—Prepared from fairly tender beans packed while still fresh, free from rust and fairly free from strings; when processed, the pods or pod sections shall have a fairly normal flavour, 60 per cent uniform in colour and maturity; there shall not be more than 3 per cent hard or woody strings; the brine shall be fairly clear.

34. Beans (Asparagus Style)

Grades for "Asparagus Style" Beans correspond in quality to the grades for beans (whole or cut), except that the pod shall be packed upright the full length of the can used.

34A. Beans (French Style)

French Style Beans (French Cut or Julienne) are green or wax beans in which the pods or pod sections are cut lengthwise into strips; the grades for this product are Fancy, Choice and Standard Qualities corresponding to the grades for canned beans (whole or cut) set forth in this table.

35. Lima Beans

(a) *Fancy Quality Lima Beans*—Prepared from young, fresh, tender, green lima beans, 80 per cent uniform in size and colour; when processed, the product shall be practically free from skins, splits and other defects; the brine shall be clear.

(b) *Choice Quality Lima Beans*—Prepared from young, fresh, tender, lima beans, 50 per cent green in colour, fairly uniform in size; when processed, the product shall be 80 per cent free from skins, splits, broken beans and other defects; the brine shall be fairly clear.

(c) *Standard Quality Lima Beans*—Prepared from fresh lima beans which may be green or white in colour; when processed, the product shall be 65 per cent free from skins, splits or broken discoloured beans or other defects; the brine may be somewhat cloudy.

36. Dried Lima Beans

Dried Lima Beans may be canned if the label shows the words "Soaked Lima Beans" or "Dried Lima Beans" on the main panel in lettering not less than one-quarter of an inch in height.

36A. Beans with Pork

Beans with Pork shall be the canned food prepared from dried beans and pork with or without sauce, seasoning, spices and sweetening agent and shall contain not less than 60 per cent by weight of drained solids as determined by the method employed by the Department of Agriculture, Ottawa.

All meat used in the preparation of beans with pork shall be inspected and approved in an establishment where government inspection is maintained.

To determine drained solids, weigh sample and empty contents of can onto a sieve with eight meshes to the inch. Wash free of sauce with a gentle stream of cold water. Allow to drain for five minutes. Transfer washed beans to a suitable receptacle and weigh. Wash empty can, dry and weigh. Calculate the percentage of drained solids from the weight of washed beans and the net weight of the sample.

36B. Beans, Vegetarian Beans

Beans, Vegetarian Beans shall be the canned food prepared from dried beans with or without sauce, seasoning, spices and sweetening agent and shall contain not less than 60 per cent by weight of drained solids as determined by the method employed by the Department of Agriculture, Ottawa.

37. Beets**(a) Styles of Canned Beets—**

- (i) Whole beets are beets that retain their original shape after peeling and trimming.
- (ii) Sliced beets are beets that are cut into slices not thicker than three-eighths of an inch.
- (iii) Quartered beets are beets that are cut longitudinally into four approximately equal units.
- (iv) Diced or cubed beets are beets that have been cut into cubes not larger than three-eighths of an inch.
- (v) Shoestring beets are beets that are cut into strips of varying lengths not to exceed three-sixteenths of an inch in thickness.
- (vi) Cut beets are beets that are cut into pieces weighing not less than one-eighth ounce and not conforming to any of the above-named styles.

(1) Beets (Whole)

(a) *Fancy Quality Whole Beets*—Prepared from the blood-red variety, free from skins, roots, stems, soft spots and other defects; the whole beets, when packed, shall be uniform in size, colour and texture and shall not exceed one and one-half inches in diameter.

(b) *Choice Quality Whole Beets*—Prepared from the blood-red variety, free from skins, roots, stems, soft spots and other defects; the whole beets, when packed, shall be 65 per cent uniform in size, colour and texture and shall not exceed two and one-half inches in diameter.

(c) *Standard Quality Whole Beets*—Prepared from the blood-red variety, free from skins, roots and stems; the whole beets, when packed, shall be 50 per cent uniform in size, colour and texture and shall not exceed three inches in diameter.

(2) Beets (Sliced, Cut or Quartered)

(a) *Fancy Quality Sliced, Cut or Quartered Beets*—Prepared from the blood-red variety, free from skins, roots, stems, soft spots or other defects; the beets, when packed, shall be uniform in colour and the slices or quarters uniform in thickness and texture and shall not exceed two inches in diameter.

(b) *Choice Quality Sliced, Cut or Quartered Beets*—Prepared from the blood-red variety, free from skins, roots, stems, soft spots and other blemishes; the beets, when packed, shall be 75 per cent uniform in colour, thickness and texture and shall not exceed two and one-half inches in diameter.

(c) *Standard Quality Sliced, Cut or Quartered Beets*—Prepared from the blood-red variety, free from skins, roots or stems; the beets, when packed, shall be 65 per cent uniform in colour, thickness and texture and shall not exceed three inches in diameter.

(3) *Beets (Diced or Cubed)*

(a) *Fancy Quality Diced or Cubed Beets*—Prepared from the blood-red variety, free from skins, roots, stems or other defects; when processed, the product shall be clean cut, tender and uniform in size, colour and texture and practically free from small splinters or irregular shaped cubes.

(b) *Choice Quality Diced or Cubed Beets*—Prepared from the blood-red variety, free from skins, roots, stems or other defects; when processed, the product shall be clean cut, 75 per cent uniform in size, colour and texture and 85 per cent free from small splinters or irregular shaped cubes.

(c) *Standard Quality Diced or Cubed Beets*—Prepared from the blood-red variety, free from skins, roots, stems or other blemishes; the product need not be uniform in size, colour or texture.

(4) *Beets (Shoestring)*

(a) *Fancy Quality Shoestring Beets*—Prepared from the blood-red variety, free from skins, roots, stems, soft spots or other blemishes; when processed, the product shall be uniform in colour, uniform in thickness and texture and 90 per cent free from broken strips; the beets shall not exceed two and one-half inches in diameter.

(b) *Choice Quality Shoestring Beets*—Prepared from the blood-red variety, free from skins, roots, stems, or other defects; when processed, the product shall be clean cut, 75 per cent uniform in thickness, colour and texture and 85 per cent free from broken strips; the beets shall not exceed four and one-half inches in diameter.

(c) *Standard Quality Shoestring Beets*—Prepared from the blood-red variety, free from skins, roots or other blemishes; the product need not be uniform in thickness, colour or texture.

38. Carrots

(a) *Styles of Canned Carrots*—

- (i) Whole carrots are carrots that retain their shape after peeling and trimming.
- (ii) Sliced carrots are carrots that are cut into slices not thicker than one-quarter inch.
- (iii) Diced carrots are carrots that have been cut into cubes not larger than three-eighths of an inch.
- (iv) Shoestring carrots are carrots that have been cut into strips of varying lengths and not to exceed a three-sixteenths inch across section.

(1) *Carrots (Whole)*

(a) *Fancy Quality Whole Carrots*—Prepared from carrots free from stems, roots, or other defects; the whole carrots, when packed, shall be of very good natural colour and practically uniform in size, shape and texture and shall not exceed seven-eighths of an inch in diameter.

(b) *Choice Quality White Carrots*—Prepared from carrots free from stems, roots, or other defects; the whole carrots, when packed, shall be of good natural colour and 75 per cent uniform in size, shape and texture and shall not exceed one and three-eighths inches in diameter.

(c) *Standard Quality Whole Carrots*—Prepared from carrots free from stems, roots, or other defects; the whole carrots, when packed, shall be of a fair natural colour and texture and shall not exceed two and one-eighth inches in diameter.

(2) *Carrots (Sliced)*

(a) *Fancy Quality Sliced Carrots*—Prepared from carrots free from stems, roots or other defects; the carrots, when packed, shall be of very good natural colour and texture, of uniform thickness and not more than one and one-quarter inches in diameter.

(b) *Choice Quality Sliced Carrots*—Prepared from carrots free from stems, roots or other defects; the carrots, when packed, shall be of good natural colour and texture and of 75 per cent uniform thickness and not more than two inches in diameter.

(c) *Standard Quality Sliced Carrots*—Prepared from carrots free from stems, roots, or other defects; the carrots, when packed, shall be of fair natural colour and texture and shall not exceed two and one-half inches in diameter.

(3) *Carrots (Diced)*

(a) *Fancy Quality Diced or Cubed Carrots*—Prepared from carrots free from stems, roots or other defects; when processed, the product shall be of very good natural colour, clean cut, uniform in size and texture and practically free from splinters or irregular shaped cubes.

(b) *Choice Quality Diced or Cubed Carrots*—Prepared from carrots free from stems, roots or other defects; when processed, the product shall be of good natural colour, clean cut, 75 per cent uniform in size and texture and 85 per cent free from splinters and irregular shaped cubes.

(c) *Standard Quality Diced or Cubed Carrots*—Prepared from carrots free from stems, roots or other defects; the product need not be uniform in size, colour and texture.

(4) *Carrots (Shoestring)*

(a) *Fancy Quality Shoestring Carrots*—Prepared from carrots free from stems, roots or other defects; when processed, the product shall be of very good natural colour and texture, uniform thickness and 90 per cent free from broken strips; the carrots shall not exceed two inches in diameter.

(b) *Choice Quality Shoestring Carrots*—Prepared from carrots free from stems, roots or other defects; when processed, the product shall be of good natural colour and texture, 75 per cent uniform in thickness and 85 per cent free from broken strips; the carrots shall not exceed three inches in diameter.

(c) *Standard Quality Shoestring Carrots*—Prepared from carrots free from stems, roots or other defects; when processed, the product shall be of fair natural colour and texture and need not be uniform in thickness, the carrots shall not exceed four inches in diameter.

39. Corn

(a) *Definitions—*

(i) Cream Style Corn (generally known to the trade as "Corn") is canned sweet corn prepared from grains that have been removed from the cob by shallow cutting and subsequent scraping, causing it to have a creamy consistency.

(ii) Whole or Cut Kernel Corn is the product in which the kernels have been removed from the cob by cutting in such a manner as to leave them practically whole.

(iii) Corn on the Cob is the product in which young tender ears of corn are trimmed, evenly cut and packed upright into cans.

(b) *General Requirements—*

(i) All canned corn shall be packed from the varieties known to the trade as "Sweet Corn". The ears of corn shall be picked from the stalks when young and tender, that is to say, when the kernels on the cob are in a creamy or milky state.

(ii) Labels for corn shall state whether "Cream Style", "Whole Kernel" or "Cut Kernel", "Packed in Brine" or "Vacuum Packed".

(1) *Corn (Cream Style)*

(a) *Fancy Quality Cream Style Corn*—Prepared from selected stock of young fresh and tender sweet corn; when processed, the finished product shall have a cream-like consistency and a bright uniform colour; it shall be free from pieces of husk and cob and practically free from silk; the product shall have a flavour typical of succulent young corn and the kernels therein shall be very tender and in the early cream stage.

(b) *Choice Quality Cream Style Corn*—Prepared from young, fresh and tender sweet corn; when processed, the finished product shall have a cream-like consistency and a fairly bright uniform colour; it shall be practically free from

pieces of husk and cob and reasonably free from silk; the product shall have a good characteristic flavour and the kernels therein shall be fairly tender and in the cream stage.

(c) *Standard Quality Cream Style Corn*—Prepared from fairly young and reasonably tender sweet corn; when processed, the finished product may have a variable consistency, showing a slight separation of free liquid or an insufficiency of moisture; it shall be reasonably bright in colour and free from any considerable portion of husk, cob and silk; the product shall have a palatable flavour and the kernels therein may be rather firm but not hard.

(2) *Corn (Whole or Cut Kernel)*

(a) *Fancy Quality Whole or Cut Kernel Corn*—Prepared from selected stock of young, fresh and tender sweet corn; the kernels, when packed shall be tender, practically whole and uniform in size, colour and maturity; the product shall be free from cob, silk, husks, scrapings or other defects.

(b) *Choice Quality Whole or Cut Kernel Corn*—Prepared from young fresh and tender sweet corn; the kernels, when packed, shall be fairly tender and fairly uniform in size, colour and maturity; the product shall be practically free from pieces of cob, silk, husks, scrapings or other defects.

(c) *Standard Quality Whole or Cut Kernel Corn*—Prepared from fairly young and reasonably tender sweet corn, free from any considerable portion of cob, silk or husks; the kernels, when packed, may be rather firm but not hard, reasonably bright in colour and fairly free from chips or scrapings.

(3) *Corn on Cob*

(a) *Fancy Quality Corn on Cob*—Prepared from young, fresh and tender sweet corn; the ears, when packed, shall be tender, 80 per cent uniform in size, type and colour and practically free from silk, husks, stalks or undeveloped ends.

(b) *Choice Quality Corn on Cob*—Prepared from young, fresh and tender sweet corn; the ears, when packed, shall be fairly tender, 75 per cent uniform in size, type, colour and maturity and practically free from silk, husks, stalks, or undeveloped ends.

(c) *Standard Quality Corn on Cob*—Prepared from fresh and reasonably tender sweet corn that is 65 per cent uniform in size, colour and maturity, but which would not qualify for the higher grades.

(4) *Corn (Hominy Style)*

Sulphite of soda or other bleaches may be used in the processing of "Hominy Style" corn if appropriately labelled, as, for example, "Bleached with Sulphite of Soda".

40. *Mixed Vegetables or Macedoine*

Mixed Vegetables or Macedoine—Prepared from any combination of vegetables, all vegetables being named on the label in order of amount used in the product. No quality grade is required for this product but should a quality be claimed, it shall correspond to the quality of the respective vegetables that enter into its composition.

41. *Mixed Vegetable Juices*

Mixed Vegetable Juices—Prepared from any combination of vegetable juices, all juices being named on the label in order of amount used in the product and with the tomato juice content not to exceed 80 per cent. All vegetables used in the manufacture of this product shall be thoroughly washed and trimmed before the juice is extracted. When examined according to the "Howard" Method, mould filaments shall not appear in more than 25 per cent of the microscopic fields; bacteria shall not exceed fifty millions, yeasts and spores three million nine hundred thousand per millilitre; the methods for microbiological analyses shall be those approved by the Dominion Agricultural Bacteriologist, Science Service, Department of Agriculture, Ottawa.

42. Mushrooms

(1) Mushrooms (Whole)

(a) *Fancy Quality Whole Mushrooms*—Prepared from tender mushrooms practically free from defects; when processed, the whole mushrooms shall be 80 per cent uniform in size, colour and maturity; the brine shall be clear.

(b) *Choice Quality Whole Mushrooms*—Prepared from fairly tender mushrooms practically free from defects; when processed, the whole mushrooms shall be 60 per cent uniform in colour, size and maturity; the brine shall be clear.

(c) *Standard Quality Whole Mushrooms*—Prepared from mushrooms reasonably free from defects; the mushrooms need not be uniform in colour, size or maturity; pieces and stems may be included; the brine shall be fairly clear.

(2) Mushrooms (Sliced)

Sliced Mushrooms are mushrooms sliced parallel to the axis of the mushroom into slices of uniform thickness, approximately three-sixteenths of an inch. Fancy, Choice or Standard Quality Sliced Mushrooms shall conform relatively in colour, size and maturity to whole mushrooms.

(3) Mushrooms (Creamed)

Creamed Mushrooms shall be packed from sliced mushrooms, cream or milk, butter, with wheat flour being added as a thickener. The finished product shall contain not less than three per cent butter fat and not less than 35 per cent drained weight of mushrooms. Fancy, Choice or Standard Quality Creamed Mushrooms shall conform relatively in colour, size and maturity to whole mushrooms.

(4) Mushrooms (Stems and Pieces)

Stems and Pieces may be packed from imperfect cut or broken portions of stems or caps. When processed, the product need not be uniform in colour, size or maturity. The brine shall be fairly clear.

43. Peas

(a) General Requirements—

- (i) When peas are graded as to size they shall pass through the sieves of the following dimensions and shall be known by the size number as indicated: (Samples shall conform to the size or a combination of sizes claimed for the peas):

No. 1 size peas are peas that will pass through a screen of 9/32 inch mesh.

No. 2 size peas are peas that will pass through a screen of 10/32 inch mesh, but not through a screen of 9/32 inch mesh.

No. 3 size peas are peas that will pass through a screen of 11/32 inch mesh, but not through a screen of 10/32 inch mesh.

No. 4 size peas are peas that will pass through a screen of 12/32 inch mesh, but not through a screen of 11/32 inch mesh.

No. 5 size peas are peas that will pass through a screen of 13/32 inch mesh, but not through a screen of 12/32 inch mesh.

- (ii) Optional markings for peas are as follows:

Small

Nos. 1 and 2 combined

Medium

Nos. 3 and 4

Large

No. 5 and over

- (iii) When peas are not graded for size they shall be marked "Ungraded as to Size" or "Assorted Sizes" or "Mixed Sizes".
- (iv) Brine for peas shall be made with salt or sugar or a combination of both.
- (v) The use of sulphate of copper or other artificial colour is prohibited.
- (vi) If declared as "Alkalis Added", calcium hydroxide and magnesium hydroxide may be used in processing peas, but not in excess of .04 per cent and .01 per cent by weight of the finished product, respectively.

(b) *Fancy Quality Peas*—Prepared from very young, tender peas of similar varietal characteristics, practically free from loose skins and splits; when processed, the peas shall be tender and have a normal flavour; the product shall remain practically unchanged in size and shall be uniform in colour and maturity; the liquor shall remain clear.

(c) *Choice Quality Peas*—Prepared from fairly young, tender peas of similar varietal characteristics, 90 per cent free from loose skins and splits; when processed, the peas shall be fairly tender and have a normal flavour; the product shall be 80 per cent uniform in colour and maturity; the liquor shall remain fairly clear.

(d) *Standard Quality Peas*—Prepared from peas not necessarily uniform in colour or maturity or free from loose skins and splits; this grade shall be 90 per cent free from hard or ripe peas; the liquor need not be clear.

44. Dried or Ripe Peas

Ripe peas may be canned if the main panel of the label shows the words "Ripe Peas" or "Soaked Peas".

45. Pumpkin

(a) *General Requirements*—

(i) A mixture of pumpkin and squash may be labelled as "Canned Pumpkin" if the amount of squash does not exceed 40 per cent of the product.

(b) *Fancy Quality Pumpkin*—Prepared from sound, ripe pumpkin (or pumpkin and squash) reduced to pulp of a heavy, thick consistency, uniform in colour throughout and having a smooth, fine finish; the product shall be practically free from particles of skin, seeds or fibre and on emptying the contents from the can upon a flat surface at room temperature, the sieved pulp shall hold the shape of the container.

(c) *Choice Quality Pumpkin*—Prepared from sound, ripe pumpkin (or pumpkin and squash) reduced to a pulp of thick consistency, fairly uniform in colour throughout and having a smooth finish; the product shall be practically free from particles of skin, seeds or fibre and on emptying the contents from the can upon a flat surface at room temperature, the sieved pulp shall hold the shape of the container or a high mound formation.

(d) *Standard Quality Pumpkin*—Prepared from sound, ripe pumpkin reduced to a pulp of fairly thick consistency with a fairly good finish; the product shall be fairly free from particles of skin, seeds and fibre; the sieved pulp when removed from the can shall remain convex but not sloppy or runny.

46. Squash

The grades for canned squash shall be Fancy, Choice and Standard Quality, and they shall correspond to the standards set forth in this Table for pumpkin.

47. Sauerkraut

(a) *General Requirements*—

Sauerkraut shall be the product obtained by full fermentation of sound, clean, shredded cabbage to which salt has been added, contains not less than one per cent acid expressed as Lactic. Acidity expressed as lactic acid shall be determined in the pressed out liquid by direct titration with standard sodium hydroxide, using phenol phthalein as an indicator.

(b) *Fancy Quality Sauerkraut*—Prepared from sauerkraut having a uniform light straw colour with shreds uniformly cut to approximately one-sixteenth of an inch in thickness, practically free from whole sections of core and heavy midribs and 95 per cent free from defects and blemishes; the product shall have a firm, fine texture and a well developed typical kraut flavour.

(c) *Choice Quality Sauerkraut*—Prepared from sauerkraut having a somewhat variable straw colour, with shreds fairly uniformly cut to approximately one-sixteenth of an inch in thickness, 85 per cent free from whole sections of core, defects and blemishes; the product shall have a fairly fine, firm texture and a characteristic kraut flavour.

(d) *Standard Quality Sauerkraut*—Prepared from sauerkraut of wide variable colour, 70 per cent free from vine, defects and other blemishes; the product shall have a reasonably firm texture and a fair kraut flavour.

48. Spinach

(a) *Fancy Quality Spinach*—Prepared from young, crisp, tender spinach, free from grit, sand or silt, grass or weeds, root stubs or crowns of root stubs and practically free from seedy heads or stalks; the finished product shall possess a uniform typical green colour, practically free from defects; no wilted, yellow spinach leaves shall be used.

(b) *Choice Quality Spinach*—Prepared from fairly young, tender spinach, free from grit, sand or silt, grass or weeds, root stubs or crowns of root stubs and fairly free from seedy heads or stalks; the finished product shall possess a fairly uniform typical green colour, fairly free from defects.

(c) *Standard Quality Spinach*—Prepared from fairly fresh spinach, free from grit, sand or silt, grass or weeds, root stubs or crowns of root stubs; the finished product may show heavy leaf stems and seedy heads or stalks present.

49. Succotash

Succotash shall be a combination of cream style corn and green or dried lima beans with the amount of beans not less than 20 per cent of the total product. No declaration of quality is required for this product, but if a quality is declared, the product shall be graded on the basis of cream style corn.

Second Division—Frozen Fruits and Vegetables

47. Frozen Fruits shall be graded immediately after complete thawing in unopened packages at ordinary room temperature.

48. Ascorbic acid may be added to frozen fruit as an anti-oxidant in an amount not exceeding 200 milligrams per pound of fruit; such addition shall be declared on the label as "Contains Ascorbic Acid to prevent discoloration".

49. Frozen vegetables shall be graded after having been carefully thawed under a gentle spray of tap water at room temperature of approximately sixty-eight degrees Fahrenheit, until the product is free from ice crystals and is not brittle; to test for flavour and texture, the frozen product should be immersed in boiling water and cooked for the required length of time.

50. (1) Except where otherwise provided in these regulations, the grades for frozen fruits and vegetables are "Fancy Quality" and "Choice Quality"; the standards for each grade are as prescribed for that grade in the table set out in this section.

(2) Any frozen food product that fails to meet the requirements of Choice Quality shall be graded and labelled as "Sub-Standard Quality".

(3) The table of grades and standards for frozen fruits and vegetables is as follows:—

TABLE II—FROZEN FRUITS AND VEGETABLES

Grades and Standards

1. Apples (Sliced)

(a) *Fancy Quality Sliced Apples*—Prepared from clean, sound, firm, ripe apples not less than two and one-quarter inches in diameter, properly peeled, cored and trimmed, segments cut longitudinally to a thickness of not less than one-half inch; the slices shall be whole and uniform in size, colour and maturity.

(b) *Choice Quality Sliced Apples*—Prepared from clean, firm, sound, ripe apples, properly peeled, cored and trimmed, segments cut longitudinally to a thickness of not less than one-half inch; the slices shall be 80 per cent whole, fairly uniform in size, colour and maturity.

BERRIES (Small Fruits)**2. Blackberries**

(a) *Fancy Quality Blackberries*—Prepared from clean, sound, ripe blackberries, free from stems, leaves or dried berries; the fruit shall be large or medium but uniform in size, firm, 90 per cent whole and of good characteristic colour; the syrup shall be clear.

(b) *Choice Quality Blackberries*—Prepared from clean, sound, ripe blackberries, free from stems, leaves or dried berries; the fruit need not be uniform in size and colour, but shall be in firm condition and 75 per cent whole; the syrup shall be fairly clear.

3. Blueberries

(a) *Fancy Quality Blueberries*—Prepared from clean, sound, ripe, firm blueberries, free from stems, leaves or dried berries; the fruit shall be large and uniform in size, firm, whole and of good characteristic colour; the syrup shall be clear.

(b) *Choice Quality Blueberries*—Prepared from clean, sound, ripe, firm blueberries, free from stems, leaves or dried berries; the fruit need not be uniform in size and colour, but shall be in firm condition and 90 per cent whole; the syrup shall be fairly clear.

4. Loganberries

(a) *Fancy Quality Loganberries*—Prepared from clean, sound, ripe, firm loganberries, free from stems, leaves or dried berries; the fruit shall be large or medium and uniform in size, firm, whole and of good characteristic colour; the syrup shall be clear.

(b) *Choice Quality Loganberries*—Prepared from clean, sound, ripe firm loganberries, free from stems, leaves or dried berries; the fruit need not be uniform in size and colour, but shall be in firm condition and 75 per cent whole; the syrup shall be fairly clear.

5. Raspberries

(a) *Fancy Quality Raspberries*—Prepared from clean, sound, ripe firm raspberries, free from stems, leaves, green or dried berries; the fruit shall be whole and uniform in size and of good characteristic colour for the variety; the syrup shall be clear.

(b) *Choice Quality Raspberries*—Prepared from sound, clean, ripe, firm raspberries, free from stems, leaves, green or dried berries; the fruit shall be 75 per cent whole and need not be uniform in size and colour; the syrup shall be practically clear.

6. Lawtonberries

The grades for Lawtonberries are Fancy and Choice Quality; the requirements for each grade correspond to the standards set forth in this table for raspberries.

7. Thimbleberries

The grades for Thimbleberries are Fancy and Choice Quality; the requirements for each grade correspond to the standards set forth in this table for raspberries.

8. Currants

The grades for Currants are Fancy and Choice Quality; the requirements for each grade correspond to the standards set forth in this table for raspberries.

9. Gooseberries

The grades for Gooseberries are Fancy and Choice Quality; the requirements for each grade correspond to the standards set forth in this table for raspberries.

10. Strawberries**(1) Strawberries (Whole)**

(a) *Fancy Quality Strawberries*—Prepared from clean, sound, ripe strawberries, free from stems, leaves, green or dried berries and practically free from other blemishes or defects; the fruit shall be all red, medium or large, uniform in size and maturity and free from green tips; the fruit shall remain whole; the syrup shall be clear.

(b) *Choice Quality Strawberries*—Prepared from clean, sound, ripe strawberries, free from stems, leaves, green or dried berries and practically free from blemishes or defects; the fruit shall be all red, 85 per cent whole, practically free from green tips, 80 per cent uniform in maturity and size; the syrup shall be fairly clear.

(2) *Strawberries (Sliced)*

(a) *Fancy Quality Sliced Strawberries*—Prepared from clean, sound, ripe strawberries, free from stems, leaves, green or dried berries and practically free from other blemishes or defects; the fruit shall be all red, uniform in maturity and 90 per cent free from white centres or green tips; the syrup shall be clear.

(b) *Choice Quality Sliced Strawberries*—Prepared from clean, sound, ripe strawberries, free from stems, leaves, green or dried berries and practically free from blemishes or defects; the fruit shall be 75 per cent free from white centres or green tips; the syrup shall be fairly clear.

11. Cantaloupes

(a) *Fancy Quality Cantaloupe Cubes*—Prepared from clean, sound, ripe cantaloupe, free from seeds, rind or blemishes; the product, when frozen, shall be of good natural colour, clean cut, 90 per cent uniform in size and texture and practically free from irregularly shaped cubes.

(b) *Choice Quality Cantaloupe Cubes*—Prepared from clean, sound, ripe cantaloupe, free from seeds or rind and practically free from blemishes; the product, when frozen, shall be of good colour, clean cut, 75 per cent uniform in size and texture and fairly free from irregularly shaped cubes.

12. Cherries

(a) *Fancy Quality Cherries*—Prepared from large, sound, ripe cherries free from stems, leaves, blemishes and residual spray material; the fruit, when frozen, shall be whole, firm, uniform in size and colour and, if pitted, free from pits or portions thereof; the syrup shall be clear.

(b) *Choice Quality Cherries*—Prepared from sound, ripe cherries, free from stems, leaves, blemishes and residual spray material; the fruit, when frozen, shall be 75 per cent whole and unbroken, fairly firm, 80 per cent uniform in size and colour and, if pitted, practically free from pits or portions thereof; the syrup shall be clear.

13. Peaches

(1) *Peaches (Halved or Quartered)*

(a) *Fancy Quality Peaches*—Prepared from sound, clean, ripe, firm peaches, free from blemishes, skins and pits; the fruit, when frozen shall be of good natural colour and 85 per cent uniform in size, colour and maturity and without excessive ragged edges or centres; the syrup shall be clear.

(b) *Choice Quality Peaches*—Prepared from sound, clean, ripe, firm peaches, free from blemishes, skins and pits; the fruit shall be 65 per cent uniform in size, colour and maturity; the syrup shall be fairly clear.

(2) *Peaches (Sliced)*

(a) *Fancy Quality Sliced Peaches*—Prepared from sound, clean, fancy halves of good colour, ripe, but not mushy; the slices, when frozen, shall be 85 per cent whole and intact; uniform in colour and maturity; the syrup may be slightly cloudy.

(b) *Choice Quality Sliced Peaches*—Prepared from sound, clean, choice halves of good colour, ripe, but not mushy; the slices, when frozen, shall be 65 per cent whole and intact, uniform in colour and maturity; the syrup may be slightly cloudy.

14. Plums

(a) *Fancy Quality Plums*—Prepared from sound, firm, clean, ripe plums, free from stems, leaves, blemishes and residual spray material; the fruit, when frozen, shall remain whole and practically uniform in size, colour and maturity; no small or undersized fruit shall be used; the syrup shall be clear.

(b) *Choice Quality Plums*—Prepared from sound, firm, clean, ripe plums, free from stems, leaves, blemishes or residual spray material; the fruit, when frozen, shall be 90 per cent whole and 75 per cent uniform in size, colour and maturity; the syrup shall be fairly clear.

15. Asparagus

(a) *General Requirements*—

- (i) Asparagus labelled as "Tips" or "Spears" shall not exceed four and one-half inches in length.
- (ii) When colour is claimed, namely, "Green" or "White", the spear shall be uniform in colour throughout the stalk for Fancy Quality, fairly uniform in colour throughout the stalk for Choice Quality.

(b) *Fancy Quality Asparagus Tips or Spears*—Prepared from young, crisp and tender asparagus, free from white and woody butts, decay and free from damage caused by dirt, disease, insects, mechanical or other means; when frozen, the tips or spears shall be practically straight, uniform in colour and size; size is not a grade factor if declared "Ungraded as to Size", "Mixed Sizes" or "Assorted Sizes"; the heads shall be compact and not flowered in any way; the brine shall be clear.

(c) *Choice Quality Asparagus Tips or Spears*—Prepared from fairly young, crisp and tender asparagus, practically free from white or woody butts and free from damage caused by dirt, disease, insects, mechanical or other means; when frozen, the tips or spears shall be practically straight and 90 per cent uniform in colour and size; size is not a grade factor, if declared "Ungraded as to Size", "Mixed Sizes" or "Assorted Sizes"; the heads shall be fairly compact; the brine shall be fairly clear.

16. Asparagus Cuts or Cuttings

(a) *Fancy Quality Asparagus Cuts or Cuttings*—Prepared from young, crisp and tender asparagus; when frozen, the product shall contain 20 per cent by count of compact heads; the pieces shall be evenly cut to a uniform length not exceeding one and one-half inches, free from any coarse, fibrous or woody material; whole spears shall be cut for this grade; the brine shall be clear.

(b) *Choice Quality Asparagus Cuts or Cuttings*—Prepared from those portions of fairly young, crisp and tender asparagus; when processed, the product shall contain 10 per cent by count of fairly compact heads; the pieces shall be fairly evenly cut to a length not exceeding one and one-half inches, 75 per cent uniform in size and colour and 90 per cent free from coarse, fibrous or woody material; the brine shall be fairly clear.

17. Beans (Green or Wax)

(a) *General Requirements*—

- (i) When string beans are graded as to size they shall pass through sieves of various sizes as set forth in Table I and such sizes or sieves shall be known and indicated as prescribed in Table I.
- (ii) Optional markings for frozen beans are as follows:

Small	Nos. 1 and 2 combined
Medium	Nos. 3 and 4
Large	No. 5 and over
- (iii) When frozen beans are not graded for size they shall be marked "Ungraded as to Size" or "Assorted Sizes" or "Mixed Sizes".

(b) *Fancy Quality Beans*—Prepared from young, tender beans packed while still fresh, free from rust, stems, strings, discolorations and other defects; when frozen, the pods or pod sections shall have a good normal flavour, uniform in colour and maturity; the brine shall be clear.

(c) *Choice Quality Beans*—Prepared from tender beans packed while still fresh, free from rust, stems, strings, discolorations and other defects; when

frozen, the pods or pod sections shall have a normal flavour, 80 per cent uniform in colour and maturity; there shall be no hard or woody strings; the brine shall be fairly clear.

18. French Style Beans

French Style Beans (French cut or Julienne) are green or wax beans in which the pods or pod sections are cut lengthwise into strips; the grades for this product are Fancy and Choice Quality; the requirements for each grade correspond to the standards set forth in this table for frozen beans.

19. Lima Beans

(a) *Fancy Quality Lima Beans*—Prepared from young, fresh, tender, green lima beans, 80 per cent uniform in size and colour; when frozen, the product shall be practically free from skins, splits and other defects; the brine shall be clear.

(b) *Choice Quality Lima Beans*—Prepared from young, fresh, tender, lima beans, 60 per cent green in colour, fairly uniform in size; when frozen, the product shall be 80 per cent free from skins, splits, broken beans and other defects; the brine shall be fairly clear.

20. Broccoli

(a) *Fancy Quality Broccoli*—Prepared from very young, tender broccoli packed while still fresh, free from ricey or open florets or other blemishes and defects; the product, when frozen, shall be uniform in size and colour; the brine shall be clear.

(b) *Choice Quality Broccoli*—Prepared from young and tender broccoli packed while still fresh and 75 per cent free from ricey or open florets or other blemishes and defects; the product when frozen, shall be fairly uniform in size and colour; the brine shall be fairly clear.

21. Brussels Sprouts

(a) *Fancy Quality Brussels Sprouts*—Prepared from young and tender brussels sprouts packed while still fresh, free from any loose or open heads or other blemishes and defects; the product, when frozen, shall be practically uniform in size and colour; the brine shall be clear.

(b) *Choice Quality Brussels Sprouts*—Prepared from young and tender brussels sprouts packed while still fresh and fairly free from any loose or open heads; the product, when frozen, shall be fairly uniform in size and colour; the brine shall be fairly clear.

22. Carrots

(1) Carrots (Whole)

(a) *Fancy Quality Whole Carrots*—Prepared from carrots free from stems, roots, or other defects; the whole carrots, when frozen, shall be of very good natural colour and practically uniform in size, shape and texture and shall not exceed seven-eighths of an inch in diameter.

(b) *Choice Quality Whole Carrots*—Prepared from carrots free from stems, roots or other defects; the whole carrots, when frozen, shall be of good natural colour and 75 per cent uniform in size, shape and texture and shall not exceed one and three-eighths inches in diameter.

(2) Carrots (Sliced)

(a) *Fancy Quality Sliced Carrots*—Prepared from carrots free from stems, roots or other defects; the carrots, when frozen, shall be of very good natural colour and texture, of uniform thickness and not more than one and one-quarter inches in diameter; the brine shall be clear.

(b) *Choice Quality Sliced Carrots*—Prepared from carrots free from stems, roots or other defects; the carrots, when frozen, shall be of good natural colour and texture and of 75 per cent uniform thickness and not more than two inches in diameter; the brine shall be fairly clear.

23. Cauliflower

(a) *Fancy Quality Cauliflower*—Prepared from young, fresh, tender cauliflower having compact heads, free from blemishes or insect injury; the frozen product shall be white, attractive in appearance, with pieces uniform in size and maturity.

(b) *Choice Quality Cauliflower*—Prepared from fairly young, fresh, tender cauliflower having fairly compact heads, free from blemishes or insect injury; the frozen product shall be white, attractive in appearance with pieces fairly uniform in size and maturity.

24. Corn

(1) Corn (Whole or Cut Kernel)

(a) *Fancy Quality Whole or Cut Kernel Corn*—Prepared from selected stock of young, fresh, very tender sweet corn; the kernels, when frozen, shall be practically whole and uniform in size, colour and maturity; the product shall be free from cob, silk, husks, scrapings or other defects; the brine shall be clear.

(b) *Choice Quality Whole or Cut Kernel Corn*—Prepared from young, fresh, tender, sweet corn; the kernels, when frozen, shall be fairly uniform in size, colour and maturity; the product shall be practically free from pieces of cob, silk, husks, scrapings or other defects; the brine shall be fairly clear.

(2) Corn on Cob

(a) *Fancy Quality Corn on Cob*—Prepared from young, fresh, very tender, sweet corn; the ears, when frozen, shall be 80 per cent uniform in size, type, colour and maturity; practically free from silk, husks, stalks or undeveloped ends; the brine shall be clear.

(b) *Choice Quality Corn on Cob*—Prepared from young, fresh, tender, sweet corn; the ears, when frozen, shall be 75 per cent uniform in size, type, colour and maturity; practically free from silk, husks, stalks or undeveloped ends; the brine shall be fairly clear.

24A. Mixed Vegetables

Mixed Vegetables (including Peas and Carrots)—Prepared from any combination of vegetables, all vegetables being named on the label in order of amount used in the product. No quality grade is required but should a quality be claimed, the frozen product shall correspond to the quality of the respective vegetables that enter into its composition.

25. Peas

(a) General Requirements—

(i) When peas are graded as to size they shall pass through sieves of various sizes as set forth in Table I and such sizes or sieves shall be known and indicated as prescribed in Table I.

(ii) Optional markings for frozen pease are as follows:

Small	Nos. 1 and 2 combined
Medium	Nos. 3 and 4
Large	No. 5 and over

(iii) When frozen peas are not graded for size they shall be marked "Ungraded as to Size" or "Assorted Sizes" or "Mixed Sizes".

(iv) The use of sulphate of copper or other artificial colour is prohibited.

(v) Frozen peas not meeting these grades but otherwise sound and fit for food, may be sold for remanufacturing purposes if labelled "Peas for Soup Stock".

(b) *Fancy Quality Peas*—Prepared from very young, tender peas of similar varietal characteristics, practically free from loose skins and splits; when frozen, the product shall remain practically unchanged in size and shall be uniform in colour and maturity.

(c) *Choice Quality Peas*—Prepared from fairly young, tender peas of similar varietal characteristics, 90 per cent free from loose skins and splits; when frozen, the products shall be 80 per cent uniform in colour and maturity.

26. Pumpkin

(a) General Requirement—

(1) A mixture of pumpkin and squash may be labelled as "Frozen Pumpkin" if the amount of squash does not exceed 40 per cent of the product.

(b) *Fancy Quality Pumpkin*—Prepared from sound, ripe pumpkin or part squash reduced to pulp of a heavy consistency, uniform in colour throughout and having a smooth, fine finish; the product, when defrosted, shall be practically free from portions of skins, seeds, shreds or fibre.

(c) *Choice Quality Pumpkin*—Prepared from sound, ripe pumpkin reduced to a pulp of thick consistency, fairly uniform in colour throughout and having a smooth finish; the product, when defrosted, shall be practically free from particles of skins, seeds, shreds or fibre.

27. Squash

The Grades for Frozen Squash are Fancy and Choice Quality; the requirements for each grade correspond to the standards set forth in this Table for pumpkin.

28. Spinach

(a) *Fancy Quality Spinach*—Prepared from young, crisp, tender spinach, free from grit, sand or silt, grass or weeds, root stubs or crowns of root stubs and practically free from seedy heads or stalks; the product when defrosted, shall possess a uniform typical green colour, practically free from defects; no wilted, yellow spinach leaves shall be used.

(b) *Choice Quality Spinach*—Prepared from fairly young, tender spinach, free from grit, sand or silt, grass or weeds, root stubs or crowns of root stubs and fairly free from seedy heads or stalks; the product when defrosted, shall possess a fairly uniform typical green colour, fairly free from defects.

Third Division—Dehydrated and Evaporated Fruits and Vegetables

51. (1) Except where otherwise provided in these regulations, the grades for dehydrated and evaporated fruits and vegetables are "Fancy Quality", "Choice Quality" and "Standard Quality"; the standards for each grade or food product are as prescribed for that grade or food product in the Table set out in this section.

(2) Any dehydrated and evaporated fruit or vegetable, if wholesome and fit for food, but that fails to meet the lowest standard prescribed for such a product shall be graded and labelled as "Sub-Standard Quality".

(3) The table of grades and standards for dehydrated and evaporated fruits and vegetables is as follows:

TABLE III—DEHYDRATED AND EVAPORATED FRUITS AND VEGETABLES

Grades and Standards

1. Dehydrated or Evaporated Apples

(a) Definitions—

- (i) "Dehydrated or Evaporated Apples" are apples cut into rings or quarters that have been desiccated by means of temperature, humidity and air velocity control or by artificial heat.
- (ii) "Rings" means practically whole pieces of apples that have been sliced at right angles to the core; such rings may be cut or broken on one side, but at least three-quarters of the ring shall be present.
- (iii) "Quarters" means apples that have been cut through the centre parallel to the core into four or more pieces.
- (iv) As applied to evaporated apples, the expression "defects" means portions of skin, blossom ends, stems, bruises, blemishes or any discoloration.

(b) General Requirements—

- (i) When rings or quarters are claimed, the product shall be 80 per cent whole for Fancy Quality, 70 per cent whole for Choice Quality and 60 per cent whole for Standard Quality.
- (ii) In these grades the expression "conform to the natural colour of the fruit" does not apply to unbleached slices, rings, or quarters.
- (iii) No smoke odour shall be present in any grade.
- (iv) "Moisture Content" refers to the natural moisture of the fruit; the maximum moisture content of evaporated, dehydrated apples and chop shall be 22 per cent; the maximum moisture content in evaporated, dehydrated skins, cores and pomace shall be 15 per cent.
- (v) The use of sulphur dioxide shall be consistent with requirements as set forth in the Food and Drugs Act; all evaporated or dehydrated apples that have been bleached shall contain not less than seven hundred parts and not more than two thousand parts per million of sulphur dioxide.
- (vi) The moisture content may exceed 22 per cent in evaporated or dehydrated apples with a sulphur content higher than the minimum (700 p.p.m.) on the basis of an additional 100 p.p.m. of sulphur dioxide for each one-quarter per cent of moisture to a maximum of 24 per cent moisture.
- (vii) Unbleached, evaporated or dehydrated apples shall be marked "Unbleached".
- (viii) All packages, cases of evaporated or dehydrated apples that have been bleached shall show words "Contains Sulphur Dioxide" or any equivalent phrase in accordance with the Food and Drug Regulations, the size of type to be as prescribed in these regulations.

(1) Dehydrated or Evaporated Apples (Rings and Quarters)

(a) *Fancy Quality Dehydrated or Evaporated Apples*—Prepared from clean, sound, firm, ripe apples that have been properly peeled, cored and trimmed; the finished product shall be practically uniform in colour, 90 per cent free from pieces containing core, free from defects and shall not vary more than 20 per cent in size of pieces; not more than 2 per cent shall pass through a five-eighths inch screen.

(b) *Choice Quality Dehydrated or Evaporated Apples*—Prepared from clean, sound, firm, ripe apples that have been peeled, cored and trimmed; the finished product shall be 80 per cent uniform in colour, 80 per cent free from pieces containing core, 90 per cent free from defects and shall not vary more than 30 per cent in size of pieces; not more than 5 per cent shall pass through a five-eighths inch screen.

(c) *Standard Quality Dehydrated or Evaporated Apples*—Prepared from clean, sound, firm, ripe apples, peeled, cored and trimmed; the finished product shall be 70 per cent free from pieces containing core, 85 per cent free from defects; not more than 8 per cent shall pass through a five-eighths inch screen.

(2) Apple Chips

Apples Chips are prepared from sound apples or portions thereof, properly peeled and cored; the product shall be 70 per cent free from skin or core and 70 per cent uniform in colour.

(3) Sun Dried Apples

Sun Dried Apples are those that have a portion of their moisture extracted without the use of artificial heat. The grade for quality of Sun Dried Apples shall be the same as those for evaporated apples, with the exception that the product need not have as bright a colour.

(4) Farmers Dried Apples

Farmers' Dried Apples are apples dried by the grower on his own premises. No declaration of quality is required but when claimed, shall conform to the standards prescribed in this Table for evaporated apples.

(5) *Dehydrated and Evaporated Apple Skins and Cores*

Dehydrated or Evaporated Apple Skins and Cores are made by evaporating a portion of the moisture from the skins, cores and trimmings of clean, sound apples; the product shall be clean, sound, wholesome and free from any deleterious substance.

(6) *Dehydrated and Evaporated Apple Chop*

Dehydrated or Evaporated Apple Chop is made by evaporating a portion of the moisture from clean, sound, sliced or unsliced apples, the product shall be wholesome and free from any deleterious substance.

2. Dehydrated Blueberries

(a) *Fancy Quality Dehydrated Blueberries*—Prepared from clean, sound, ripe, firm berries free from worms, stems, leaves or dried berries; not more than one per cent of green fruit shall be used; the product shall be 90 per cent whole and separated and when rehydrated and cooked shall closely resemble the fresh cooked fruit in colour, flavour, aroma and texture; the maximum moisture content of dehydrated blueberries shall be 15 per cent.

(b) *Choice Quality Dehydrated Blueberries*—Prepared from clean, sound, ripe blueberries free from worms, stems, leaves or dried berries; not more than two per cent of green fruit shall be used; the product shall be 70 per cent whole and when rehydrated and cooked shall closely resemble the fresh cooked fruit in colour, flavour, aroma and texture; the maximum moisture content of dehydrated blueberries shall be 15 per cent.

3. Dehydrated and Evaporated Vegetables(a) *General Requirements—*

(i) Regulations with regard to enzymes do not apply to beets and onions. No peroxidase test is made on these products.

(ii) *Bacteria in dehydrated vegetables*—Dehydrated vegetables that have been subjected to a blanching treatment during processing, the viable bacteria colony count in the finished product shall not exceed 50,000 per gram, and organisms of the coliform group shall be absent from one-tenth gram; the methods for bacteriological analysis shall be those approved the Dominion Agricultural Bacteriologist, Science Service, Department of Agriculture, Ottawa.

(b) *Fancy Quality Dehydrated or Evaporated Vegetables*—Prepared from sound, fresh vegetables of good table quality, properly peeled, cored, trimmed and washed; the product, when rehydrated and cooked, shall closely resemble the fresh, cooked vegetable in colour, flavour, aroma and texture; there shall be no more than a trace of peroxidase in the dehydrated material as measured with Gum Guaiacum, with the exception of turnips in which there shall be no more than a faint reaction as measured with Guaiacol and the product shall be 98 per cent free from defects, blemishes, discolouration and scorching; pieces shall be clean cut without ragged edges and not more than 10 per cent of broken pieces or more than 5 per cent of pieces which will go through a screen four meshes to the inch for stripped vegetables, or six meshes to the inch for leafy vegetables; in order to meet Fancy requirements regarding moisture content, cabbage shall not contain more than 4.5 per cent moisture; parsnips, potatoes and beets not more than 6.5 per cent moisture; other vegetables not more than 5 per cent moisture.

(c) *Choice Quality Dehydrated or Evaporated Vegetables*—Prepared from sound, fresh vegetables of good table quality, properly peeled, cored, trimmed and washed; the product, when rehydrated and cooked, shall closely resemble the fresh, cooked vegetable in colour, flavour, aroma and texture; there shall be no more than faint peroxidase as measured with Gum Guaiacum, with the exception of turnips in which there shall be no more than a faint reaction as measured with Guaiacol; the product shall be 90 per cent free from defects, blemishes, discoloration and scorching; pieces shall be clean cut without ragged edges and not more than 20 per cent of broken pieces or more than 10 per cent of pieces which will go through a screen four meshes to the inch for stripped

vegetables or six meshes to the inch for leafy vegetables; in order to meet Choice requirements regarding moisture content, cabbage shall not contain more than 5 per cent moisture; parsnips, beets and potatoes not more than 7.5 per cent moisture; other vegetables not more than 6 per cent moisture.

(d) For the purpose of these grades the following is the procedure for the peroxidase test:

- (i) For each sample, place a small representative dry portion in a beaker or glass, cover with water. Allow this to reconstitute three to four hours. Crush with a mortar and pestle or in a Waring Blendor or with some suitable apparatus for wet material. Place a small quantity of the crushed solid in a test tube, cover with 2 per cent Gum Guaiacum in 95 per cent ethyl alcohol. Shake. Add an equal volume of 3 per cent hydrogen peroxide. Shake. If peroxidase is present a blue colour develops. This is graded as follows:

Negative —No blue colour.

Trace —Specks of blue colour in the product.

Faint —Up to 25 per cent of the material coloured.

Light —25 to 50 per cent of the material coloured.

Medium —Solid dark blue; the solution may show a diffused blue, but is not opaque.

Heavy —Solid dark blue, solution dark blue.

- (ii) When the Guaiacol test for peroxidase is used, crush reconstituted material as for the peroxidase test and place the solid in a test tube. Cover with a solution of 1 per cent Guaiacol in 95 per cent alcohol. Add an equal volume of 3 per cent hydrogen peroxide. Grade as follows:

Negative —No change in colour.

Trace —Reddish specks in the solid.

Faint —Up to 25 per cent of the material reddened.

Light —25 to 50 per cent of the material reddened.

Medium —Over 50 per cent of the material reddened, but some of the solid showing original colour.

Heavy —Material a solid reddish colour.

Fourth Division—Jams, Jellies, Marmalade and Preserves (Conserve)

52. (1) Except as otherwise provided in these regulations, the grades for jams, jellies, marmalade and preserves (conserve) are—

- (a) Pure jam (or jelly, marmalade or preserve (conserve) as the case may be).
- (b) Jam (or jelly or marmalade as the case may be) with added pectin.
- (c) Jam consisting principally of apple or rhubarb to which other fruit has been added.

(2) The grade designation of jam, jellies, marmalade and preserves (conserve) shall have incorporated therein the name of the fruit used in its preparation, as for example, Pure Strawberry Jam, Strawberry Jam with added pectin, or Apple and Strawberry Jam.

(3) The only permissible ingredients of jams, jellies, marmalade and preserves (conserve) are those prescribed in the Table set out in this section.

(4) The standards for each grade of jam, jellies, marmalade and preserves (conserve) are as prescribed in the following Table:

TABLE IV—JAMS, JELLIES, MARMALADE AND PRESERVES
(Conserve)

Grades and Standards

PART A—GENERAL

The standards prescribed in Part A apply to all jams, jellies, marmalade and preserves (conserve) except products specified in Part B.

1. Jams

(a) *General Requirements—*

- (i) Jam shall be the sound product made by processing properly prepared fresh fruit, fruit pulp or canned fruit with water and a sweetening agent hereinafter prescribed in the respective grades by boiling to a suitable consistency, with or without the addition of other ingredients such as fruit acid, one permitted preservative, permitted colouring matter or pectin in the form of a fruit juice or pectin preparation.
- (ii) Jam shall contain not less than 66 per cent of water soluble solids as estimated by the refractometer.
- (iii) The standards for jam do not apply to Cranberry Sauce.

(b) *Pure Jam*—Contains not less than 45 per cent of the named fruit (other than apple or rhubarb) or 52 per cent if the fruit is strawberry and a sweetening agent consisting of sugar or invert sugar syrup only; the addition of citric acid, malic acid, tartaric acid, cider vinegar, lemon juice, lime juice or any combination of two or more of these acids or pectin in a quantity that reasonably compensates any deficiency in the natural acidity or natural pectin of the fruit ingredient is permitted and it is not necessary to indicate such additions on the label.

(c) *Jam with added pectin*—Contains not less than 27 per cent of the named fruit (other than citrus, apple or rhubarb) or 32 per cent if the fruit is strawberry; the addition of citric acid, malic acid, tartaric acid, cider vinegar, lemon juice, lime juice or any combination of two or more of these acids in a quantity that reasonably compensates any deficiency in the natural acidity of the fruit ingredient is permitted and it is not necessary to indicate such additions on the label; and, with label declaration, pectin or pectinous preparation, permitted colour and one permitted preservative declared by name; the sweetening agent used shall be sugar, invert sugar syrup or a mixture consisting of not less than 75 per cent by weight of sugar and not more than 25 per cent by weight of dextrose or glucose.

(d) *Apple or Rhubarb and (the other added fruit) Jam*—Contains not less than 12 and one-half per cent of the more expensive fruit or 15 per cent if the fruit is strawberry, and, with label declaration, pectin or pectinous preparation, permitted colour and one permitted preservative declared by name; the sweetening agent used shall be sugar, inverted sugar syrup, or a mixture containing not less than 75 per cent by weight of sugar and not more than 25 per cent by weight of dextrose or glucose; not less than 20 per cent of the finished product shall be apple or rhubarb pulp; this grade of jam may contain dextrose or glucose in excess of 25 per cent by weight of the sweetening agent if declared clearly and conspicuously by name upon the label.

2. Jellies

(a) *General Requirements—*

- (i) Jelly shall be the sound, semi-solid gelatinous product made from filtered or strained fruit juice extracted with or without the application of heat and with or without the addition of water to which a sweetening agent hereinafter prescribed in the respective grades is added with or without other ingredients such as fruit acid, juice of another fruit, pectin or pectinous preparation, agar, gelatin, colour and one permitted preservative.

- (ii) Jelly shall contain not less than 62 per cent of water soluble solids as estimated by the refractometer.
- (iii) The standards for jelly do not apply to jellied Cranberries or Cranberry Jelly.

(b) *Pure Jelly*—Contains no ingredients other than the juice of the fruit named on the label, sugar or invert sugar syrup; the addition of pectin, or citric acid, malic acid, tartaric acid, cider vinegar, lemon juice, lime juice, or any combination of two or more of these acids, in a quantity that reasonably compensates any deficiency in the natural pectin content or the natural acidity of the fruit ingredient is permitted and it is not necessary to indicate such additions on the label.

(c) *Jelly with added pectin*—Contains not less than 32 per cent of the juice of the named fruit on the label, sugar, invert sugar syrup or a mixture of not less than 75 per cent by weight of sugar and not more than 25 per cent by weight of dextrose or glucose; the addition of citric acid, malic acid, tartaric acid, cider vinegar, lemon juice, lime juice, or any combination of two or more of these acids, in a quantity that reasonably compensates any deficiency in the natural acidity of the fruit ingredient is permitted and it is not necessary to indicate such additions on the label, and, if declared, pectin or pectinous preparation, agar, gelatin, colour, one permitted preservative declared by name.

3. Marmalade

(a) General Requirements—

- (i) Marmalade shall be the sound product made by processing properly prepared citrus fruit (fresh or preserved) with water and a sweetening agent hereinafter prescribed in the respective grades, by boiling to a suitable consistency with or without the addition of other ingredients such as fruit acid, one permitted preservative, permitted colouring matter or pectin in the form of a fruit juice or pectin preparation.
- (ii) Marmalade shall contain not less than 65 per cent water soluble solids as estimated by the refractometer.

(b) *Pure Marmalade*—Prepared from any combination of peel, pulp and juice of the named citrus fruit or fruits by boiling with water and sugar or invert sugar syrup; citric acid, malic acid, tartaric acid, cider vinegar, lemon juice, lime juice, or any combination of two or more of these acids, in a quantity that reasonably compensates any deficiency in the natural acidity of the fruit ingredient, may be added to such marmalade without label declaration.

(c) *Marmalade with added pectin*—Contains not less than 27 per cent of any combination of the peel, pulp and juice of the named citrus fruit or fruits; the sweetening agent shall be sugar, invert sugar syrup or a mixture consisting of not less than 75 per cent by weight of sugar and not more than 25 per cent by weight of dextrose or glucose; the addition of citric acid, malic acid, tartaric acid, cider vinegar, lemon juice, lime juice or any combination of two or more of these acids in a quantity that reasonably compensates any deficiency in the natural acidity of the fruit ingredient is permitted and it is not necessary to indicate such additions on the label, and, with label declaration, pectin or pectinous preparation.

4. Preserves (Conserve)

Preserves (Conserve) shall be the sound product made by processing fruit (other than apple or rhubarb) with sugar or invert sugar syrup; in its preparation not less than 45 pounds of the named fruit or fruits with each 55 pounds of sugar or its equivalent in invert sugar syrup, and shall contain not less than 60 per cent and not more than 65 per cent water soluble solids as estimated by the refractometer.

PART B

1. Marmalade (Non-citrus fruit origin)

(a) *Pure Pineapple (also Fig or Ginger) Marmalade*—Prepared from the pulp and natural juice of pineapple, fig or ginger, by boiling with water and sugar or invert sugar syrup; contains not less than 45 per cent of pineapple, fig or ginger and not less than 65 per cent of water soluble solids as estimated by the refractometer; the addition of citric acid, malic acid, tartaric acid, cider vinegar, lemon juice, lime juice, or any combination of two or more of these acids or pectin in a quantity that reasonably compensates any deficiency in the natural acidity or natural pectin of the named fruit is permitted and it is not necessary to indicate such additions on the label.

(b) *Pineapple (also Fig or Ginger) Marmalade with added pectin*—Prepared from the pulp and natural juice of pineapple, fig or ginger by boiling with water and sugar or invert sugar syrup or a mixture consisting of not less than 75 per cent by weight of sugar and not more than 25 per cent by weight of dextrose or glucose; contains not less than 27 per cent of pineapple, fig or ginger and not less than 65 per cent of water soluble solids as estimated by the refractometer; the addition of citric acid, malic acid, tartaric acid, cider vinegar, lemon juice, lime juice or any combination of two or more of these acids in a quantity that reasonably compensates any deficiency in the natural acidity of the fruit ingredient is permitted and it is not necessary to indicate such additions on the label, and, with label declaration, pectin or pectinous preparation, permitted colour and one permitted preservative declared by name.

2. Mint Jelly or Jellied Mint

Mint Jelly or Jellied Mint—Prepared from sugar or a mixture of not less than 75 per cent by weight of sugar and not more than 25 per cent by weight of dextrose or glucose, apple juice or pectin or pectinous preparation, mint juice, with or without mint leaves, and, with label declaration, artificial flavour and colour.

3. Bakers Fruit Filler (Fruit Spread)

Bakers Fruit Filler (Fruit Spread)—Prepared from any combination of fruit or fruits declared by name, pectin or pectinous preparation, sugar, dextrose or glucose, and, with label declaration, colour, artificial flavour, one preservative declared by name, one thickener declared by name; glucose to be declared on label if used in excess of 25 per cent of the total sweetener.

4. Apple Pie Filler

Apple Pie Filler—Prepared from sound, mature apples, free from insect and surface injury, properly peeled, cored and trimmed as segments or rings, with sugar and with or without dextrose or glucose, and with label declaration, one preservative declared by name, one thickener declared by name, dextrose or glucose if used in excess of 25 per cent of the total sweetener; the finished product shall contain not less than 20 per cent of water soluble solids as estimated by the refractometer.

THE MEAT AND CANNED FOODS ACT**Regulations Governing the Inspection of Meats and Horse Meat**

P.C. 588

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 10th day of February, 1949

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of the Meat and Canned Foods Act, Revised Statutes of Canada, 1927, chapter 77, is pleased to order as follows:

1. The Regulations Governing the Inspection of Meats, established by Order in Council P.C. 7268 of 16th September, 1941, as amended, are hereby revoked; and

2. The annexed "Regulations Governing the Inspection of Meats" are hereby made and established in substitution for the Regulations hereby revoked.

(Sgd.) A. M. HILL,

Asst. Clerk of the Privy Council

THE HONOURABLE THE MINISTER OF AGRICULTURE.

Regulations Governing the Inspection of Meats and Horse Meat

By Order in Council of February 10th, 1949

Definitions

1. In these Regulations, unless the context otherwise requires,
 - (i) "Act" means the Meat and Canned Foods Act;
 - (ii) "bacon" means cured half carcasses, backs or bellies of pork;
 - (iii) "carcasses" means the carcasses of cattle, swine, sheep, goats, domestic rabbits, game and poultry;
 - (iv) "compound lard" means a mixture of animal and vegetable fats and oils. It shall be free from rancidity, be made from sound and pure materials, and contain not more than one per cent of substances other than fatty acids and fat, and at least fifty-one per cent of actual lard shall be present in the product;
 - (v) "condemned" means that carcasses, portions or products thereof so marked have been found by an inspector to be unfit for food;
 - (vi) "container" means receptacle or covering in which any carcass, portion or product thereof is placed;
 - (vii) "Department" means the Department of Agriculture;
 - (viii) "dripping" means fat that has dripped from meat in the process of cooking by dry heat;
 - (ix) "edible" means fit for human food;
 - (x) "edible gelatin" means the product defined under this name by the Regulations made under the Food and Drugs Act. The method of determining the amount of ash-free solids and of ash in the water free substance shall be that required by these Regulations;
 - (xi) "establishment" means any abattoir, packing house or other premises in which animals are slaughtered for export or in which carcasses, portions or products thereof are prepared for food for export or are stored for export;

- (xii) "export" means export out of Canada or out of any province or territory thereof to any other province or territory thereof;
- (xiii) "farmer" means a person whose recognized occupation is that of farming and who slaughters only such animals as are fed by him on his own premises;
- (xiv) "first dealer" means
 - (a) any packer who buys food products packed by another for sale under his own label, or
 - (b) any person operating premises at which he pays business tax or otherwise is assessed as a wholesale or retail dealer who buys food products for sale under his own label;
- (xv) "food" means every article used for food or drink by man and every ingredient used for mixing with the food or drink of man for any purpose;
- (xvi) "ham" means a pork ham. Beef ham or other hams shall be so designated;
- (xvii) "held" means that carcasses, portions or products thereof or articles so marked have been retained for further examination or for any other purpose;
- (xviii) "import" means import into Canada or into any province or territory thereof from any other province or territory thereof;
- (xix) "inedible" means unfit for human food;
- (xx) "Inspection Legend" means the official mark placed upon carcasses, portions or edible products thereof which have passed inspection, or upon packages containing the same;
- (xxi) "Inspector" means an Inspector appointed under the Act;
- (xxii) "label" means any printed, embossed or lithographed design, label, tag, sticker, seal, wrapper, stencil, material or receptacle upon which are shown the requirements of Section 7 hereof;
- (xxiii) "lard" means the rendered fat from hogs in good health at the time of slaughter. It shall be clean, free from rancidity, and contain necessarily incorporated in the process of rendering not more than one per cent of substances other than fatty acids and fat;
- (xxiv) "leaf lard" means lard rendered at a moderately high temperature from the internal fat of the abdomen of the hog, excluding that adherent to the intestines, which has an iodine value (Hanus) not greater than sixty-five, and contains not more than one per cent of substances other than fatty acids and fat;
- (xxv) "meat" means the clean, sound, properly dressed flesh of one or more animals, healthy at the time of slaughter, and includes the heart, tongue, diaphragm and oesophagus in addition to the skeletal musculature with attendant tissues; but does not include the muscle and attendant tissues of the lips, snout and ears;
- (xxvi) "meat by-product" means the clean, sound, edible parts other than meat, derived from one or more animals, healthy at the time of slaughter, and shall include the tissue residues from the processes whereby edible fats are dry rendered;
- (xxvii) "Minister" means the Minister of Agriculture;
- (xxviii) "package" means the inner or outer container or wrapper which is used or is to be used for carcasses, or portions or products thereof, together with the contents placed therein;
- (xxix) "packer" means any person, firm or corporation operating an establishment;
- (xxx) "portion" means one of the usual cuts such as sides, quarters, shoulders, hams and bellies, and also entire organs such as tongues, livers and hearts;
- (xxxi) "prepared meat" or "prepared meat by-product" means meat or meat by-product preserved, canned, frozen, cooked, comminuted, or subjected to any combination of these processes with or without any other approved ingredient;

- (xxxii) "product" means anything derived from carcasses or portions thereof;
- (xxxiii) "rejected" means that carcasses, portions or products thereof so marked may be rendered into lard or tallow or cooked until sterile;
- (xxxiv) "shortening" other than butter, lard or lard compound, means a combination of edible animal or vegetable fats or edible oils variously processed by hydrogenation or otherwise; free from rancidity, objectionable tastes or odours, containing not more than one per cent of substances other than fatty acids and fat;
- (xxxv) "ship" means the overt act of any person leading to the movement by common carrier or other means of public conveyance of any carcass, portion or product thereof, from or to a point outside the province or territory in which he carries on business;
- (xxxvi) "suet" means the fat taken from the region of the kidney or loin or caul fat from a beef carcass;
- (xxxvii) "tallow" means rendered beef fat or rendered mutton fat, or a mixture of both; and
- (xxxviii) "transport" means the overt act of any person leading to the movement, otherwise than by shipping, of any carcass, portion or product thereof from or to a point outside the province or territory in which he carries on business.

Diseases and Conditions

2. The entire carcass and blood of any animal affected with any of the following diseases or conditions shall be condemned and tanked or otherwise disposed of as hereinafter provided:

- (1) Anthrax.
- (2) Black leg.
- (3) Pyemia or Septicemia.
- (4) Rabies.
- (5) Tetanus.
- (6) Malignant catarrh.
- (7) Hog cholera.
- (9) Swine plague.
- (9) Texas fever.
- (10) Parasitic ictero hematuria.
- (11) Traumatic pericarditis.
- (12) Jaundice.
- (13) Uremia.
- (14) Abnormal sexual smell.
- (15) Inflammation (chronic or acute) of any of the following tissues: lungs, pleura, intestines, peritoneum or uterus.
- (16) Parturition (carcasses of animals having given birth to young within ten days preceding slaughter).
- (17) Immaturity—Carcasses of young calves, pigs, kids and lambs are unwholesome and shall be condemned if (a) the meat has the appearance of being water-soaked, or is loose, flabby, tears easily, and can be perforated with the fingers; or (b) its colour is greyish red; or (c) good muscular development as a whole is lacking, especially noticeable on the upper shank of the leg, where small amounts of serious infiltrates or small edematous patches are sometimes present between the muscles; or (d) the tissue which later develops as the fat capsule of the kidneys is edematous, dirty yellow or greyish red, tough, and intermixed with islands of fat.
- (18) Emaciation—with mucoid degeneration.

(19) Anemia.

(20) Tapeworm Cysts—*Cysticercus bovis*, *cysticercus ovis*, unless the infestation is slight in which case the carcass may be rejected and rendered into tallow. When the infestation is slight and is confined to the head and heart, the carcass, after the removal and condemnation of those parts, shall be identified by "Held" tags and kept under refrigeration or in pickle for twenty-one days. Such carcasses, if found fit for food on re-inspection, shall be passed and marked as required by these Regulations.

Cysticercus cellulosae, unless the infestation is slight, in which case the carcass may be rejected and rendered into lard.

(21) Tuberculosis—For the purposes of these Regulations inspectors shall be guided by the following principles:

- (a) Meat shall not be used for food if it contains tubercle bacilli or if the disease has reached the stage where the flesh cannot be considered as wholesome;
- (b) Meat shall not be destroyed if the animal is well nourished, unless there is evidence or reasonable grounds for suspicion that the flesh is unwholesome;
- (c) Any carcass affected with tuberculosis, in which the disease is associated with emaciation, or is extensive, shall be condemned;
- (d) When the lesions are collectively small in extent, and are either calcified or encysted, and confined to the head, or to the head and the abdominal and thoracic viscera, their coverings and lymphatic glands, the affected parts shall be removed and condemned (except the head which shall be removed and disposed of as provided in paragraph (e) hereof). The remainder of the carcass if well nourished and otherwise healthy, may be passed for food. When the lesions are small but are in a state of caseation the carcass may be rejected after the diseased portions have been removed and condemned;
- (e) Heads showing lesions of tuberculosis shall be condemned, with the exception of those from approved or rejected carcasses wherein the lesions are relatively unimportant to the head itself, are slight and either calcified or encapsulated, and are confined to not more than two lymph glands of the cervical group. Such heads may be rejected after removal and condemnation of the diseased tissues;
- (f) Abdominal viscera showing lesions of tuberculosis shall be condemned, with the exception of those from approved or rejected hog carcasses wherein the lesions in the mesenteric lymphatic glands are slight and either calcified or encapsulated and are confined to not more than three foci. Such viscera may be rejected after removal and condemnation of the diseased glands;
- (g) Any organ shall be condemned when it contains lesions of tuberculosis or when the corresponding lymph gland is tuberculous. In the case of rejected heads, the tongue and other edible parts may be rejected after removal of glands and adjacent tissues.

(22) Actinomycosis and actinobacillosis—The entire carcass affected with either of these diseases shall be condemned, except when the disease is confined to the seat of primary infection, or is otherwise definitely localized, and the carcass is well nourished and otherwise healthy. Should the head be affected, the whole head including the tongue must be condemned unless the affection is slight, localized and without suppuration, when the head and tongue may be rejected after the removal and condemnation of the lesions and surrounding tissues. Any other organ in which the disease may be localized, shall be condemned.

(23) All rejected carcasses and portions shall, after the removal of all lesions and adjacent tissues, be HELD until rendered into lard or tallow or thoroughly cooked and placed in hermetically or other approved sealed containers and marked as provided in section 7 hereof.

(24) Carcasses extensively affected with and portions showing abscesses, bruises, tumours and parasitic infestation shall be condemned.

(25) No product of a kind customarily prepared to be eaten without cooking shall contain any muscle tissue of pork unless the pork shall have been subjected to a temperature sufficient to destroy all live *Trichinae*, or to such other effective treatment as may be prescribed by the Veterinary Director General.

(26) Veterinary Inspectors are authorized to deal as the judgment may direct with abnormal conditions not herein described.

Drugs, Dyes, Preservatives and Stabilizers

3. (1) The following preservatives may be used in the manufacture and cure of meats and meat food products:

Common salt

Sugar

Dextrose

Glucose

Saltpetre

Wood smoke

Vinegar

Spices

Alcohol

Refined sodium nitrate

Refined sodium nitrite (not to exceed 200 parts per million in the finished product)

(2) Benzoate of soda shall not be used in or on meats or meat food products except in mincemeat and in approved solutions in which animal casings are packed and then only to the extent of one-tenth of one (0.1) per cent.

(3) No dye or colour shall be used in or upon any meat or meat food product.

(4) Samples shall be taken from all stocks of preservatives, spices or other ingredients to be used in the manufacture or preparation of all meat or meat food products and forwarded to the Dominion Agricultural Chemist, Central Experimental Farm, Ottawa, for analysis and approval before use. Approval shall apply only to the stock from which the samples were taken.

(5) The following stabilizers may be added to lard or shortening as provided by the Regulations under the Food and Drugs Act:

Gum guaiacum

Vegetable oil containing tocopherols

Lecithin

Citric acid, tartaric acid, ascorbic acid

Propyl gallate

Such stabilizers, singly or in combination, shall not exceed two-tenths of one (0.2) per cent by weight of the finished product, except propyl gallate which shall not exceed one hundredth of one (0.1) per cent by weight of the finished product.

Duties of Inspectors and Methods of Inspection

4. (1) Every inspector shall when on duty wear a numbered badge, provided by the Department, and shall be entitled at any time to enter any part of the establishment to which he is assigned or any other place to which he may be sent in the performance of his duties.

(2) Inspectors in Charge shall be responsible for the continuous supervision of operations in an establishment including normal temporary periods of cessation.

(3) Inspectors in Charge of establishments shall furnish such reports as may be required by the Veterinary Director General.

(4) Inspectors in Charge of any establishment shall recommend to the management any desirable improvement in sanitary conditions and shall report regularly to the Veterinary Director General as to the general observance of sanitary requirements.

(5) Inspectors shall have custody of and be responsible for all labels, stamps, cans, receptacles and containers having the Inspection Legend printed, stencilled or otherwise placed thereon in a permanent manner.

(6) Inspectors shall, when deemed advisable, procure samples of any product before, during or after preparation, or of any ingredient used in the preparation thereof. Every such sample shall be sealed, labelled and marked with a description of the same, the inspector's name, the date and the establishment number, and shall be submitted immediately to the Department for analysis. Should analysis show the sample to be unfit for use the entire stock of preservatives, etc., and the foods in which they have been used shall be seized and disposed of in accordance with these Regulations.

(7) Inspectors shall examine carefully all foods, whether meats or other products, stored in coolers or freezers of establishments, and furnish the Veterinary Director General every six months with a report as to whether or not there are in storage any foods which have been in storage for more than one year.

(8) (a) Veterinary Inspectors shall examine every animal intended for slaughter prior to its entry to the killing floor. Animals found to be diseased or suspected of being diseased shall be tagged in the left ear with a metal tag bearing the word "Held" and shall be killed separately at the end of the regular kill. Animals known as "cripples" or "downers" shall be tagged "Held" and slaughtered at the regular kill or otherwise as the Inspector in Charge may direct.

(b) The Inspector in Charge shall immediately notify the Veterinary Director General of the presence at any establishment of any animal affected with or showing symptoms of any contagious or infectious disease, and shall ascertain the address of the farmer-owner and the point whence the animal was shipped and shall take such action as may be required by The Animal Contagious Diseases Act.

(c) Veterinary Inspectors shall not permit slaughter of animals in an advanced stage of pregnancy. Such animals shall be tagged "Held" and shall not be slaughtered until at least ten days after parturition, but may be removed for stock or dairy purposes under written permission of the Inspector in Charge and after removal of the "Held" tag if they have not been exposed to contagious or infectious disease.

(9) Veterinary Inspectors shall make a thorough examination at the time of slaughter of all carcasses and portions thereof. If the examination reveals no grounds for detaining or condemning any carcass or portion thereof, inspectors shall pass and mark the same as required by subsection (29) of this section.

(10) Any inspector who may require any carcass, portion or product thereof to be detained for further examination or action shall attach firmly thereto a white paper tag numbered and bearing thereon the word "Held" and shall have such carcass, portion or product immediately placed in the "Detention" room or space. When the inspector who makes the first examination does not make the final examination, he shall furnish the inspector responsible for the final examination with a description of the carcass, portion or product thereof, the reason for which it is held, and the number of its "Held" tag. If on final examination the carcass, portion or product be found fit for food, the inspector shall remove the tag and permit such carcass, portion or product thereof to be marked with the Inspection Legend. If, however, any carcass, portion or product thereof be at any time found unfit for food, the inspector shall firmly attach thereto a black paper tag numbered and bearing thereon the word "Condemned". Such carcass, portion or product thereof shall be immediately tanked or placed

in the "Condemned" room or space for final disposition. Inspectors in Charge shall be responsible for all locks and keys for "Detention" and "Condemned" rooms, compartments or spaces.

(11) Carcasses showing diseased or injured portions which cannot be readily removed at the time of slaughter shall be "Held" until chilled to be dealt with as the inspector may decide, after condemnation or rejection of the affected portion.

(12) An inspector shall attach a numbered red paper tag bearing thereon the word "Rejected" to any carcass, portion or product thereof which has been found on inspection or reinspection to be unfit for food unless sterilized. Any carcass or portion marked "Rejected" may, after removal of all diseased and adjacent tissue, be rendered into lard or tallow, or sterilized before use as a food product.

(13) An inspector shall place a numbered metal tag bearing the word "Condemned" in the right ear of any animal found dead or in a dying condition on the premises of any establishment. Such tag shall be removed only by the inspector supervising the final disposition of the carcass.

(14) Inspectors shall supervise the tanking or other disposition of all inedible portions and products as well as condemned carcasses, portions and products, and shall seal all tanks in which condemned material has been placed. Seals of any such tanks shall be broken only when an inspector is satisfied that the process of tanking has rendered impossible the use of the contents for food.

(15) Inspectors may use in connection with tanking operations or for disposition of condemned carcasses, portions or products thereof any colouring or denaturing agent approved by the Veterinary Director General. Pending installation of tanking facilities and for a stated period approved by the Veterinary Director General, inspectors shall slash any condemned carcass or portion to render it unsaleable, and shall supervise the burning or burial of all carcasses, portions or products thereof so condemned.

(16) Inspectors in Charge may reserve for official, scientific or educational purposes any carcass, portion or product thereof which has been condemned, rejected or detained on account of disease or other abnormal condition, and shall report thereon immediately to the Veterinary Director General.

(17) Inspectors shall condemn any carcass, portion or product thereof contaminated by contact with tuberculous lesions or the contents thereof.

(18) The Inspector in Charge of any establishment may refuse inspection, and forbid removal from such establishment of any carcass, portion or product thereof which has been slaughtered, prepared or processed under conditions which violate any of these Regulations and such action shall be reported immediately to the Veterinary Director General.

(19) Inspectors may seize and detain any carcass, portion or product thereof which they have reason to believe has been dealt with in violation of these Regulations and shall place thereon a numbered "Held" tag.

(20) Inspectors shall seize and detain any carcass, portion or product thereof that has been shipped or transported by a farmer or other person in respect to which they have reason to believe that the requirements of these Regulations have not been observed. Carcasses, portions or products thereof so detained shall be marked by the inspector with a numbered "Held" tag and shall not be moved without the authority of an inspector.

(21) A "Held" tag shall be used whenever it may be deemed necessary by an inspector, elsewhere than in an establishment under inspection, to seize or detain or to control or direct the movement of any carcass, portion or product thereof. The "Held" tag shall be of the variety known as "general 'held' tag one section" having at the end opposite the eyelet, a perforated detachable portion bearing a serial number corresponding to that on the main portion of the tag. When the "Held" tag is affixed to the carcass, portion or product thereof, the inspector shall retain the detachable numbered portion and shall at the same time issue to the owner of the carcass, portion or product thereof or to his representa-

tive or agent or to the person then in charge of that to which the "Held" tag has been affixed, the official Form of Detention (Form PHA 34). One copy of this form bearing the signature of the recipient of the original form shall be forwarded to the Veterinary Director General together with any necessary report of the inspector's action.

(22) Inspectors shall after inspection and approval permit entry into any establishment of

- (a) any carcass, portion or product thereof which bears the Inspection Legend;
- (b) any carcass, portion or product thereof shipped from a foreign country, if identified and accompanied by a Certificate of Government Inspection in the country of origin as required by these Regulations;
- (c) dressed carcasses, except rabbits, having the head, heart, lungs and liver naturally attached;
- (d) unmarked carcasses or portions shipped from another establishment under subsection (29) of this section;
- (e) carcasses of lambs or sheep of any age or of calves not more than three months old having heart, lungs and liver naturally attached;

Carcasses, portions or products thereof not specifically indicated in this subsection shall be admitted to an establishment only after permission has been granted by the Inspector in Charge.

(23) Carcasses, portions or products thereof shall be admitted to establishments only through such entrances as are designated by the Inspector in Charge for that purpose and under such conditions as he may approve.

(24) Inspectors shall admit to an establishment for processing, undrawn poultry with the head, legs and feet attached. Drawn poultry must be accompanied by the appropriate certificate.

(25) (a) Fats, scraps, small portions and unmarked cuts may be admitted into establishments provided that they are covered by a certificate in duplicate, signed on behalf of the management of the establishment, stating that such meats have previously undergone inspection under the provisions of the Act. One copy of the certificate shall be attached to the daily reports and forwarded to the Veterinary Director General.

The following form of certificate shall be used:—

"

 (Street and number)

 (Name of firm)

 (Place)

 (Date)

To the Inspector in Charge of Establishment No.

I hereby certify that the meats below described are from carcasses which have passed inspection under the provisions of the Meat and Canned Foods Act and Regulations thereunder, that they have been handled in a proper and sanitary manner and that no meats or meat food products, except poultry, other than those which have passed the said inspection, are brought into the premises known as

..... (Street and number of shop)

from which the meats herein described have been brought.

No. of receptacles

Description

Weight

..... (Name of Establishment)

Per "

(b) Upon the production of a certificate in the above form, the Inspector in Charge may allow the entrance of the articles mentioned to the establishment where they shall be carefully and rigidly reinspected and dealt with as the inspector shall direct. Under no consideration shall meats enter the establishment unless the inspector has been notified and the required certificate produced. The Department may cancel this permission in respect of any establishment at any time.

(26) Inspectors may at any time reinspect any carcass, portion or product thereof in an establishment. If upon such reinspection any carcass, portion or product thereof is found to be unfit for food, it shall be dealt with and disposed of as provided in these Regulations.

(27) Inspectors may inspect any carcass, portion or product thereof upon entry into Canada, and shall dispose of any condemned carcass, portion or product thereof as the Minister may direct.

(28) (a) Unmarked mincemeat may be permitted entry into an establishment provided that it is accompanied by a certificate, in duplicate, signed by the manufacturer, establishing that the meats or suet used in its manufacture were purchased from Canadian Inspected Establishments and that they have been inspected and marked as required by the Act and these Regulations. One copy of the certificate shall be attached to the daily reports covering the date upon which the shipment was received into the establishment.

The following form of certificate shall be used:—

“
 (Name of manufacturer)

 (Place)

 (Date)

To the Inspector in Charge of Establishment No.
 I hereby certify that the meats or suet used in the manufacture of the mincemeat described herein were purchased from Canadian Inspected Establishments

 (Name of establishment)

and that they have been inspected and marked as required by the Meat and Canned Foods Act and regulations thereunder and that they have been handled in a proper and sanitary manner.

.....
 (Number of receptacles)
 Description
 Weight

 (Signature of Manufacturer)”

This certificate shall be handed to the Inspector in Charge or his Assistant at the time that such mincemeat is presented for entry.

(b) Should unmarked shipments of mincemeat be received in bulk and be repacked in the plant, they shall not be marked with the Inspection Legend. The only mincemeat which may be marked with the Inspection Legend is that actually manufactured within a plant under the constant supervision of an inspector.

(29) Inspectors shall mark with the Inspection Legend or in accordance with section 7 hereof, every carcass, portion or product thereof found to be fit for food except those to be shipped direct to an establishment for further processing or cure. Every such unmarked shipment shall be accompanied by a certificate from the Inspector in Charge of the establishment of origin. The certificate shall be in triplicate and shall set forth fully the number and kind of carcasses, the portions or products thereof which it purports to cover and the name of the consignee. When transportation between establishments is provided by one of the establishments concerned, the duplicate certificate shall be forwarded

to the Veterinary Director General by the Inspector in Charge of the establishment of origin, who shall retain and file the original certificate. When transportation is by common carrier, the original and duplicate certificates shall be handed to the carrier who shall forward the duplicate to the Veterinary Director General. The triplicate shall in all cases be sent by the Inspector in Charge of the establishment of origin to the Inspector in Charge of the establishment receiving the shipment. When shipment is by railway, the certificate shall specify the car number and initials and the number of the Government seal. All railway cars, vehicles or containers used in the conveyance of unmarked carcasses, portions or products thereof shall be sealed by an inspector in the establishment of origin with self-locking car seals or other seals provided by the Department as may be appropriate and such seals shall be broken only by an inspector. When portions or products cannot be individually marked, a marking as required in section 7 shall be placed upon the case, package, container or covering which wholly or partially conceals the contents thereof.

(30) Unmarked beans with pork may be permitted entry into an establishment under the same conditions as mincemeat, provided that the product is covered by a certificate in duplicate as follows:—

.....
(Name of manufacturer)
.....
(Place)
.....
(Date)

To the Inspector in Charge of Establishment No.....
I hereby certify that the pork used in the following described shipment of beans with pork (pork and beans) was purchased from a Canadian Inspected Establishment
(Name of establishment)

and that it was inspected and marked as required by the Meat and Canned Foods Act and Regulations thereunder and that the product, namely, beans with pork (pork and beans) has been handled in a proper and sanitary manner.

Number of packages
Description
.....
(Signature of the Manufacturer)

This certificate shall be handed to the Inspector in Charge or his Assistant at the time that such beans with pork (pork and beans) are presented for entry.

(31) Except as herein otherwise provided, inspectors shall, on the written request of an establishment, issue an "Export Certificate" to accompany each shipment of edible carcasses, portions or products thereof, which have been inspected and marked in accordance with these Regulations and are intended for export from Canada. Such certificate shall set forth the number of carcasses, portions or packages, weight, description, shipping marks, name of shipper, name of consignee, and destination. These certificates shall be issued in serial numbers and in quintuplicate. The five copies shall be given to the shipper who shall hand three of them to the transportation company. The original shall be attached to the Customs Export Entry (Form B. 13) and mailed direct to the customs agent of the transportation company at the port of export from Canada, and by such agent handed to the proper Customs official at such port of export from Canada. The duplicate shall be kept on file by the transportation company accepting the shipment; the triplicate shall be forwarded by the transportation company to the Veterinary Director General; the quadruplicate shall accompany the shipment and the quintuplicate shall be retained by the shipper or forwarded by him direct to the consignee.

(32) Inspectors shall inspect and if necessary require the thorough cleansing and disinfection of all railway cars, vehicles and storage space on ships to be used for the transportation of carcasses, portions or products thereof, and shall see that equipment for the proper care, carriage and refrigeration thereof is provided.

(33) (a) Inspectors shall permit the exportation under export certificate of chitterlings, spleens, beef udders, and lungs of ruminants, from approved carcasses and bearing the Inspection Legend; provided that the packages or containers of these organs or portions are marked, immediately following the descriptive name, with the words "For Export" in the same size and style of type.

(b) Inspectors shall impose whatever restrictions are necessary to prevent the use in an establishment of any portions not customarily used in Canada for food.

(c) Inspectors may permit the shipment from an establishment of ovaries, pituitary glands or other portions from approved carcasses intended for medicinal or manufacturing purposes; provided that the package or containers of these portions are distinctly marked with the name of the portion and with the words "for medicinal purposes" or "for manufacturing purposes" or words of similar and applicable import.

(34) The use of paper in direct contact with trimmings, organs and cuts frozen in blocks is prohibited, unless the paper is of a kind which does not disintegrate from exposure to the moisture from products but remains intact so that it can be readily and completely removed from the products when defrosted. Paper that may impart to products any chemical or other objectionable substances used in its manufacture shall not be used.

(35) (a) All carcasses that have passed inspection shall have placed thereon impressions of the Inspection Legend on each quarter. If the carcasses are cut in the establishment, there shall be one stamp on each primal cut.

(b) Lambs intended for foreign export may be marked with the small stamp and two marks placed on each carcass, one at the back of the neck and the other in the centre of the loin.

(c) Lambs intended for the home market shall show thereon four impressions of the Inspection Legend, one on each quarter.

(36) Ingredients found on analysis to contain dextrin, casein, pectin or gum shall not be used in the manufacture of meat food products or meat food by-products. The casein herein specified is the manufactured product; not casein occurring as a natural constituent in milk.

(37) Parotid salivary glands shall be removed from cheek meat destined for use in an establishment. These glands may remain on meat intended for export if thoroughly washed.

(38) Hearts shall be opened or inverted and washed before being placed in coolers or processed for any purpose, or permitted to leave the plant.

(39) Hypertrophied skin shall be removed from the carcasses of swine before the carcasses are marked or shipped from the establishment.

(40) To facilitate inspection lamb heads and sheep heads intended for edible purposes shall be split. The turbinated bones, ethmoid bones, eyes and ear drums shall be removed.

(41) The larynx, epiglottis and tonsils shall be removed from all tongues intended for use in Canada. Tongues for export may be trimmed as desired by the importing country. Mucous membrane shall be removed from tongues before these are packed in cans, jars, glass or other hermetically sealed containers except in the case of pork tongues for export from Canada. Mucous membrane need not be removed from fresh, smoked, pickled or frozen tongues, when shipped in bulk.

(42) Mucous membrane shall not be an ingredient of prepared meats or prepared meat by-products.

(43) Kidneys shall be freely sectioned and thoroughly soaked and washed before being used in the manufacture of a meat by-product. They shall not be placed in the lard tank.

(44) Crowns shall be removed from all hog bungs used for sausage casings.

(45) Bladders from approved carcasses to be used as food containers shall first be emptied and flushed with water, inverted and placed in brine for at least forty-eight hours and then rinsed before being filled.

(46) The skinning of casings shall be completed within twenty-four hours after removal from the carcass.

(47) Heads and feet to be used in the manufacture of lard shall be thoroughly cleaned before being placed in the lard tank and shall be completely free of hair or scurf. Hoofs shall be removed. Heads shall be split and brains, eyes, eardrums, teeth, and turbinated and ethmoid bones shall be removed. Gullets, trachea and bronchi shall not be used in the manufacture of lard or edible tallow unless they have first been split, washed and cleaned to the satisfaction of an inspector.

Horses and Horse Meat

5. (1) Any premises upon which horses are slaughtered and upon which their carcasses, portions or products thereof are prepared for food for export or stored for export shall be an establishment within the meaning of the Act and these Regulations.

(2) The slaughter of horses and the preparation and handling of the meat and meat food products thereof shall be conducted only in establishments separate and apart from any establishment in which cattle, sheep, swine, goats, game or poultry are slaughtered, or in which the meat or meat food products thereof are prepared or handled.

(3) All horses found upon either ante-mortem or post-mortem inspection or examination to be affected with strangles, purpura hemorrhagica, azoturia, forage poisoning, cerebro-spinal meningitis, dourine, acute influenza, generalized osteoporosis, glanders, farcy or other infectious or contagious diseases, acute inflammatory lameness or extensive fistula, shall be condemned.

(4) Any horse which is suspected on ante-mortem inspection of being infected with glanders shall be tested with mallein, and any horse which is suspected of being affected with dourine shall be held for further examination or for such test as the Veterinary Director General may prescribe.

(5) All horse meat and meat food products thereof shall be conspicuously labelled, marked or tagged "Horse Meat" or "Horse Meat Product".

(6) Special labels, certificates and export stamps as approved by the Veterinary Director General shall be used in connection with all shipments of horse meat.

(7) All regulations governing the inspection of meat and meat food products shall, when applicable, apply to horses, horse meat and horse meat food products.

Imports

6. (1) No carcass, portion or product thereof other than game, reindeer or undrawn dressed poultry shall be admitted into Canada from any foreign country unless the standards of meat inspection in the country of origin are satisfactory to the Minister and the shipment is accompanied by an approved certificate from the country of origin or a certificate as prescribed in the Schedule hereto. Provided, however, that for the purposes of this section the term "game" does not include rabbits.

(2) Collectors of Customs shall refuse entry into Canada of any carcass, portion or product thereof unless the same is accompanied by a certificate as prescribed in the Schedule hereto. (Forms F, G, H, J, K, L and M as the case may be.)

(3) Certificates covering carcasses, portions or products thereof imported into Canada and intended for entry into an establishment shall be in duplicate, one copy of which shall accompany the shipment for the information of the Inspector in Charge.

(4) Dry concentrated soup mixtures may enter Canada from the United States without a certificate as prescribed by subsection (1) provided that the

meat content of such food products be not in excess of ten per cent of the net weight of the dry finished product and that every shipment offered for entry into Canada from the United States be accompanied by a written statement, signed by a member of the manufacturing firm, to the effect that the meat ingredients of the product were obtained from an establishment under Federal Inspection in the United States of America.

(5) Carcasses, portions or products thereof which have been exported from Canada shall not be imported as Canadian products except under written permission from the Veterinary Director General in each case.

(6) Carcasses, portions or products thereof, being imported into Canada, shall be refused entry if the cars, ships, trucks or vehicles and appliances used in their transportation are not in a sanitary condition.

(7) Carcasses or portions from which the peritoneum, pleura, or body lymph glands or the portal glands of the liver, have been removed, shall not be imported into Canada.

(8) Importers of carcasses, portions or products thereof shall, when required by an inspector or other duly authorized person, furnish full and accurate information respecting any such importation.

(9) Inspectors shall at all times have the right to take without cost a sample or samples of any carcasses, portions or products for analysis. They shall, however, immediately report every such action to the Veterinary Director General.

(10) Collectors of Customs shall report to the Veterinary Director General, Department of Agriculture, Ottawa, or to the nearest inspector under the Act, any matter which they may consider to be a violation of the Act or these Regulations governing the importation into Canada of carcasses, portions or products thereof.

Labels, Markings and Containers

7. Labels on and markings of meats and meat food products prepared in establishments shall comply with the following requirements:

(1) All carcasses, portions or products of carcasses, prepared for food and packed in cans or similar receptacles, or in any package, shall be subject to inspection during the whole course of preparation and packing; and all such cans or receptacles shall, unless otherwise ordered by the Governor in Council, be marked with:

- (a) The name and address, or in the case of a firm or corporation, the firm or corporate name and address, of the packer or of the first dealer, who shall upon request of an inspector disclose the name of the packer;
- (b) a true and correct description of the contents of the package;
- (c) the net weight of the contents or, when applicable, the volume in fluid ounces; and
- (d) the Inspection Legend.

(2) The above requirements shall be placed on the main panel of the label or in a position satisfactory to the Veterinary Director General and shall be embodied in a label of a size reasonably proportionate to the size of the package. The address may consist of the local or head office address of the packer.

(3) The size of the Inspection Legend and of all letters or figures in it shall be reasonably proportionate to the general lettering of the label.

(4) All carcasses, portions of meat food products intended for export to the United Kingdom or package containing the same shall be marked with the "British Export Label" in tag or label form as approved in Circulars Nos. 1675 and 1707 of the Ministry of Health of the United Kingdom, dated March 24, 1938, and June 10, 1938, respectively.

(5) Packers shall forward four copies of every label to the Veterinary Director General for approval before use and, if required, shall also furnish a statement showing the ingredients and method of manufacture of the product on which such label is to be placed. This requirement applies also to reprints.

(6) The Inspection Legend is a Government mark and indicates that the carcass, portion or product thereof so marked was at the time of marking, sound, healthy and fit for food and that the products were manufactured under sanitary conditions.

(7) (a) The Inspection Legend shall consist of the words "Canada Approved" between two concentric circles in the centre of which is an imprint of the Crown which shall be a facsimile of the authorized pattern. To the left of the Crown is the abbreviation "EST" and to the right is a space for the establishment number in the form shown below:



The inner circle may be omitted from the imprint effected by means of a metal stamp.

(b) The words "Canada Approved" and the Crown with or without any establishment number, are hereby declared to be a Government mark.

(c) No carcass, portion or product thereof, no package or container, nor any article whatsoever bearing the Inspection Legend, may be disposed of except as provided in these Regulations or with the authority of the Department.

(d) The managements of establishments will be held responsible for the due protection of all meats or meat food products marked with the Inspection Legend.

(8) The Inspection Legend shall not be altered in any way. It shall be separate and shall not form an integral part of any special pattern or design shown on the label. When used on a label it shall be clear and distinct and in keeping with the size of the label. It shall not be printed on wood and shall not be shown more than once upon any package.

(9) The Inspection Legend or the words "Canada Approved" or any word or words of like meaning or import shall be applied to any carcass, portion or product thereof, or on any package containing the same only by an inspector or other authorized person.

(10) The Inspection Legend shall refer only to the original contents of the package so marked. If such package is to be used again for meat or meat food products, the Inspection Legend shall first be destroyed.

(11) The Inspection Legend shall not be used for advertising purposes without the approval of the Veterinary Director General.

(12) The Inspection Legend shall not be used on any inedible product.

(13) Containers for inedible products shall be marked on both ends with the words "Inedible—Unfit for Food" or with other words of similar import indicating the use for which the product is intended, in type not less than two inches in height. Small packages need be so marked on one end only in type proportionate to the other marking on the package. One end of the package shall also show the packer's name and address, description and net weight of contents. Tank cars used for the transportation of inedible products shall bear the words "Inedible, Unfit for Food" in letters not less than six inches in height.

(14) Labels bearing the Inspection Legend as authorized and issued by the Department are of two sizes. Of these, the smaller is to be used for domestic

shipments and the larger for shipments out of Canada, except that for shipments to the United Kingdom the "British Export Label" in tag or label form shall be used.

(15) When it is impossible permanently to attach a label bearing the Inspection Legend, it may be shown upon a shipping tag attached to the package. Such tags shall bear the name and address of the packer or first dealer, a correct description of the contents, and the net weight if required, in addition to the Inspection Legend and penalty clause as printed on the small paper label furnished by the Department, reading: "When contents of this package are removed this stamp must be forthwith destroyed. One hundred dollars fine for illegal use of this stamp," together with the words "Dominion of Canada, Department of Agriculture." The Inspection Legend with the penalty clause may be printed on the reverse side of the tag but the Inspection Legend shall not be separated from the penalty clause.

(16) Labels or tags on meats or meat food products intended for shipment out of Canada may, with the exception of the Inspection Legend, be printed in the language of the importing country.

(17) Labels or tags on meats or meat food products imported into or prepared for consumption in Canada shall bear the English translation of any language other than French.

(18) No word, picture or design which conveys a false or misleading impression as to the contents, quantity, weight, method or date of manufacture or place of origin of the contents shall be used on any label.

(19) Registered trade names, marks or brands used on any package shall be so identified.

(20) Pork shoulders shall be so designated.

(21) (a) The word "tenderloin" shall be used with a word indicating origin, e.g., "beef tenderloin", "pork tenderloin".

(b) The word "brains" shall be used with a word indicating origin, e.g., "pork brains", "calves' brains".

(c) The word "sweetbread" alone shall signify a calf's sweetbread.

(22) "Head cheese" shall contain not less than fifty per cent of head meat.

(23) Products containing more than one kind of meat, with the exception of those covered by a recognized trade name, shall be so described as to indicate their exact nature and the different ingredients shall be named in the order of the proportion in which they occur, thus "Ham, Tongue and Veal Pate" shall contain more ham than tongue, and more tongue than veal.

(24) When the wording on any label indicates flavour, it shall be that of the meat which has been used in the largest quantity.

(25) The label of any loaf or mixture containing meat products, other than meat loaf, shall indicate the ingredients in the order of the proportion in which they occur in type of uniform size preceding the word "loaf" or other descriptive name.

(26) The label on any paste or spread shall indicate the ingredients. The generic terms "spices" and "edible oils" are permitted.

(27) The label on edible oils shall indicate the source from which they are obtained, whether domestic or imported. This declaration shall be shown in plain type on the main panel of the main label together with the net weight or liquid measure of the contents and the name of the packer or first dealer.

(28) Hermetically sealed containers of foods prepared from rejected carcasses or portions shall bear on the label the words "This product was approved only after it was thoroughly cooked under official supervision."

(29) Hermetically sealed containers of meats or meat food products shall, unless labelled immediately as filled, be so marked as to indicate the nature of the contents. If a code-marking be used the Inspector in Charge shall be supplied with a copy of the code.

(30) When commercial gelatin or any other gelling agent defined and permitted by the Regulations under the Food and Drugs Act is added to or used upon meats or meat food products, the applicable declaration shall appear on the label, e.g. "Gelatin Added," "Gelling Agent Added," "Gelatin Dipped," etc.

(31) Each ham or piece of bacon exported to the United States shall be stamped "Product of Canada."

(32) Except as provided in section 10, subsections (10) and (11), no edible carcasses, portions or products thereof, shall be exported out of Canada unless marked with the Inspection Legend.

(33) Labels of soup-cubes and bouillon-cubes shall contain a list of the ingredients used in the product. Four copies of printer's proofs of the labels shall be submitted to the Veterinary Director General for approval before use.

(34) The Inspection Legend shall in all cases be printed in English only.

(35) The following statement shall appear on the label of each can or container of pork and beans, mincemeat, soups or other products packed under Exemption Order: "The meat contained herein has been inspected and approved at an establishment where government inspection is maintained" Such labels shall not bear the Inspection Legend.

(36) The label or marking of every package of lard or shortening to which an approved stabilizer has been added shall display a statement in immediate conjunction with the name of the product naming the stabilizer: e.g. "Contains propyl gallate."

(37) The Minister may prescribe, amend or modify the markings to be placed on any package of meats or meat products intended for export to the United Kingdom.

(38) (a) The following canned food products shall be offered for sale in Canada only in containers of the sizes and dimensions specified hereunder, (over-all dimensions are expressed in the manner used in the industry, e.g. "211" means 2 11/16 inches).

METAL CONTAINERS

Product	Size	Dimensions
Soups, condensed	Canada Size— 10 fluid ozs.	211 x 400
	20 " "	307 x 409
	48 " "	404 x 700
	105 " "	603 x 700
Soups, ready-to-serve	Canada Size— 8 fluid ozs.	211 x 304
	28 " "	401 x 411
	105 " "	603 x 700
Spaghetti with Meat or Meat Sauce	Canada Size— 10 fluid ozs.	211 x 400
	15 " "	300 x 407
		301 x 406
	20 " "	404 x 206
	28 " "	307 x 409
	105 " "	401 x 411
Pork and Beans, Wieners and Beans, Chili Carne and Beans, other meats with beans	Canada Size— 10 fluid ozs.	211 x 400
	15 " "	300 x 407
		301 x 406
		404 x 206
	20 " "	401 x 212
	28 " "	307 x 409
	105 " "	401 x 411
		603 x 700

Product	Size	Dimensions
Infant Foods and Junior Foods containing meats with or without other food products	Canada Size— 5 fluid ozs. 8 " "	202 x 214 211 x 304
Infant Foods containing meats and natural juices only	Net Weight— 3½ ozs.	202 x 202

(b) Glass or other types of containers shall correspond to the same fluid ounce size for the products listed.

(c) Other containers of dimensions specified on applications for approval of labels therefor, may, on approval by the Minister, be used in an establishment.

Packers and Establishments

8. (1) These Regulations, so far as they affect establishments, shall not apply to any abattoir, packing or slaughter-house other than those in which animals are slaughtered for export or in which carcasses, portions or products thereof are prepared or stored for export.

(2) (a) The Minister shall assign a number to each establishment.

(b) When establishments have one or more branches the Minister shall assign to each branch the same number with the addition of a serial letter.

(3) The Minister shall assign an inspector to each establishment together with such assistants as may be deemed necessary.

(4) Every animal slaughtered and every carcass, portion or product thereof prepared for any purpose in an establishment shall be subject to inspection during the whole course of preparation and packing and shall be dealt with as required in these Regulations or as directed by the Minister.

(5) (a) Abattoirs, packing or slaughter-houses shall conform to the requirements of these Regulations with regard to construction, sanitation, equipment and volume of business before inspection is provided therein.

(b) Blue-prints shall be furnished in triplicate showing the plan of buildings, equipment, yards, drainage and such other details as may be deemed necessary when application is made for inspection or when alterations or additions are planned and at any other time required by the Department.

(6) (a) Packers shall furnish suitable accommodation for inspectors including the exclusive use of a room or rooms suitable for office purposes together with such office and wash-room fittings, as may be required for the proper conduct of the business of the Department or the accommodation of the inspectors assigned to the establishment.

(b) The Inspector in Charge shall be kept fully informed by the management of all details regarding the actual operation of the establishment, and no operations shall be carried on without the knowledge and supervision of the Inspector in Charge or of an inspector detailed by him for that purpose.

(c) Reasonable arrangements regarding hours of work and other details of operation shall be made for the mutual convenience of the management and the inspectors. The management shall give sufficient notice to the Inspector in Charge concerning the arrival of animals and time of slaughter in order that he may make arrangements for inspection.

(7) Yards or pens on the premises of an establishment shall not be used for the fattening of animals nor shall offal or other refuse be utilized for feeding purposes.

(8) Packers shall notify the Inspector in Charge not later than 4 p.m. of the time at which killing or other operations will commence on the following day. In cases of emergency special arrangement shall be made with the Inspector in Charge.

(9) Establishments in which operations may become necessary between midnight on Saturday and midnight on Sunday shall apply to the Veterinary Director General for inspection service which may be provided if permission has been obtained from the local authority.

(10) (a) Packers shall pay for inspection service provided during overtime operation on the basis of \$2.25 an hour for each veterinary inspector necessarily so engaged and \$1.50 an hour for each inspector then employed in a lay capacity.

(b) "Overtime inspection" means inspection service exceeding that provided during nine hours of operation between the regular time of commencing operations in any establishment and 6 p.m. Monday to Friday inclusive, and exceeding that provided during five hours of operation between the regular time of commencing operations in any establishment and 1 p.m. on Saturday, except that lay supervision of operations not requiring veterinary supervision may be provided without charge between 12.01 a.m. and 7 a.m. on Monday and between 6 p.m. and 7 a.m. on Monday to Saturday inclusive, and between 1 p.m. and 12 midnight on Saturday when operations during all or any of these periods form part of the regular working schedule of the establishment, and when the working-hours of an inspector so employed can be comprised within a regular daily shift not exceeding nine hours Monday to Friday inclusive and five hours on Saturday.

(c) Application for overtime inspection shall be in writing and shall be submitted to the Inspector in Charge not later than 4 p.m. on the day for which such overtime inspection is desired and, on Saturday, not later than 10 a.m.

(d) When an establishment is operated at night for a period of not less than one month during at least five nights each week for eight hours or more nightly in addition to full regular daytime operation, night inspection service shall be provided on the same basis as for regular daytime operation.

(e) Where any Provincial Statute requires a working day of less than nine hours, Monday to Friday inclusive, or of less than five hours prior to 1 p.m. on Saturday the schedule of inspection service provided in the Province shall be adapted to comply with the Provincial Statute.

(11) Packers shall pay for inspection service performed on the following legal holidays:

- New Year's Day
- Good Friday
- Easter Monday
- Victoria Day
- Dominion Day
- Labour Day
- Remembrance Day
- Christmas Day
- Thanksgiving Day (when proclaimed)
- King's Birthday (when proclaimed)

(12) Artificial refrigeration operated by mechanical means of a type and capacity adequate to the needs of an establishment shall be regarded as essential equipment to be installed before inspection is granted.

(13) Packers shall upon request furnish to the Inspector in Charge accurate information regarding receipts of stock, shipments and products on hand. They shall also furnish to the Veterinary Director General such information regarding processes of manufacture and other matters of a like nature as may be deemed reasonable and necessary in the public interest.

(14) No animal which has entered the yards or pens of an establishment shall be removed without permission in writing from the Inspector in Charge. Establishments shall provide suitable facilities for separating healthy animals from those showing symptoms of or suspected of being affected with disease.

(15) Special rooms compartments or spaces, to be known as the "Detention" or "Condemned" room, compartment or space, shall be provided in establishments for the accommodation of carcasses, portions or products thereof

marked "Held" or "Condemned", respectively. Such rooms, compartments or spaces shall be well lighted and so constructed as to facilitate cleansing and disinfection. All doors thereto shall be fitted for locks supplied by the Department. Such locks and keys shall be in the custody of the Inspector in Charge.

(16) No carcass, portion or product thereof, shall be removed or so placed or treated by an employee of an establishment as to prevent its ready identification.

(17) Every establishment shall be equipped with facilities satisfactory to the Veterinary Director General for the tanking of all inedible portions and products as well as diseased carcasses, portions and products. Tanks for this purpose shall be placed and operated so that no odours or fumes shall pervade any room wherein carcasses, portions or products thereof are prepared or stored for food purposes, and these tanks shall be entirely separate and detached from any pipe or conduit connected with any pipe, tank or conduit in which edible products are prepared, conveyed or stored. No employee of an establishment shall seal or break the seal of any tank in use for tanking unless thereto authorized by an inspector.

(18) Packers shall in the manufacture of inedible grease effect the denaturing of the product by an agent authorized by the Veterinary Director General.

(19) (a) Black gut and organs or portions of the genital system shall not be used in establishments as ingredients of meat by-products.

(b) Inspected and approved spleens, cow udders, and lungs of cattle and sheep, may be used as ingredients only in prepared meat by-products approved and designated for export out of Canada to countries where such products are accepted as articles of food.

(20) Sausages, canned or prepared meats, meat by-products and portions intended for cure, shall be prepared only from carcasses or portions which have been marked with the Inspection Legend, or which have been admitted to an establishment in accordance with these Regulations and which on re-inspection are found fit for food.

(21) Prepared meat products, prepared meat by-products or any article of food containing a meat product or meat by-product shall conform to the moisture, cereal or other requirements defined or prescribed by the regulations under the Food and Drugs Act. Milk powder, skimmed milk powder, buttermilk powder and whey powder may replace cereal in such products. If cereal and any preparation of milk be present in the same product they shall not together constitute more than the maximum for cereal prescribed thereunder as determined by the method employed by the Food and Drug Laboratory.

(22) No food shall contain any deleterious substance nor, except as permitted by these Regulations, shall any drug or preservative be used in the preparation thereof.

(23) Upon request of the Inspector in Charge, packers shall furnish free samples of any food or of any ingredient used in the preparation thereof.

(24) Packers shall be responsible for all expenses incidental to the control and inspection of carcasses, portions or products thereof stored in any cold storage or warehouse outside the premises of the establishment.

(25) Packers shall affix all labels under the supervision of an inspector.

(26) Packers shall be responsible for the cost of brass stamps lost by employees.

(27) Containers or equipment made of lead, zinc, copper or brass which may come in contact with meat or meat food products shall not be used in any establishment.

(28) Separate equipment shall be used in the manufacture of pure lard and shortening, unless facilities are such as to preclude the possibility of pure lard becoming mixed with shortening.

(29) When carcasses, portions or products thereof are shipped from an establishment to a cold storage or warehouse whether pending export from Canada or domestic delivery, packers shall provide separate compartments for

the storage of inspected carcasses, portions or products thereof exclusively, and shall maintain thermographs or recording thermometers in the room or compartment of any cold storage or warehouse in which their products are held.

(30) Packers shall not move any carcasses, portions or products thereof out of any cold storage or warehouse without the authority of the Veterinary Director General.

(31) Properly constructed floor and wall racks shall be provided, when necessary, for the protection of products.

Sanitation

9. (1) Every establishment shall be adequately lighted and ventilated. All equipment shall be of such material and construction as will facilitate thorough cleansing. All operations shall be conducted with strict cleanliness.

(2) All rooms in which carcasses, portions or products thereof are prepared or placed shall be scraped, scrubbed or painted as may be deemed necessary by the Inspector in Charge and all facilities necessary for cleansing shall be provided.

(3) All rooms shall be kept, as far as possible, free from steam and vapour. Chill rooms and refrigerating rooms shall be kept free from excessive moisture.

(4) No carcass, portion or product thereof, and no ingredient used in the production of food shall be exposed to contamination or deterioration. All implements, utensils, equipment and containers used in any way in the preparation of food products shall be cleansed before use to the satisfaction of an inspector.

(5) All parts of an establishment used for rendering or preparing inedible products shall be entirely separate from those used in rendering or preparing edible products. Except for conveyance of material from the "edible" to the "inedible" parts of the establishment and for pipes, or chutes incidental to water or heating purposes, there shall be no connection between those parts of the establishment used for the production of edible and inedible products, and each part shall have a separate entrance.

(6) Copies of blueprints or plans showing all pipe lines, sumps, tanks, valves, pumps, covered or exposed, existing or proposed, shall be forwarded to the Veterinary Director General for approval.

(7) All yards or pens used in connection with an establishment shall be suitably constructed and equipped, and regularly cleansed.

(8) Dressing-room, lavatory and toilet accommodation shall be adequate, fully equipped and sanitary, with direct outside light and ventilation, or forced ventilation, and shall be entirely apart from any room or compartment used for the storage or production of food. Forced air ventilation without direct outside light may be accepted for lavatory and toilet rooms if considered necessary and satisfactory. Ample artificial light shall be provided for all such accommodation.

(9) No person suffering from tuberculosis or other communicable disease shall be engaged in handling or preparing foods, and any employee may be required to produce a medical certificate of health at any time if requested by the Inspector in Charge. Employees shall observe such general rules as to sanitation as may be deemed necessary by the Inspector in Charge.

(10) Coverings used by employees to protect their clothing or persons shall be of material easily cleaned.

(11) All outside doors and windows shall be screened and fly traps placed wherever required by the inspector. Accumulation of fly breeding material in or around the plant premises or yards of an establishment is prohibited.

(12) Catch basins shall not be placed in rooms in which edible products are prepared or handled.

(13) Blood prepared for use in food products shall not be defibrinated by the hands.

(14) Knife-scabbards shall be of metal or other impervious material and so designed as to facilitate thorough cleansing and sterilization.

(15) Dogs and cats shall be excluded from establishments.

(16) Every practicable precaution, including vermin-proofing of buildings, shall be taken to maintain establishments free of rats, mice, flies, cockroaches and other vermin; but only those poisons approved by the Veterinary Director General shall be used for their eradication.

(17) All knives, saws or other utensils which have been in contact with diseased or infected material shall be immediately sterilized.

(18) Containers used for shipment of boneless meats shall be of such type and material as will afford adequate protection for the meats shipped in them.

Transportation

10. (1) Every person, firm or corporation which ships or transports out of one province or territory to another in Canada or exports out of Canada, or imports any carcass, portion or product thereof, unless the shipment is covered by an inspection certificate under section 4, subsections (29) and (31), and except as provided by subsections (10) and (11) hereof, shall issue in duplicate the appropriate certificate as prescribed hereunder to be handed to the carrier or transporter with such shipment.

(2) No carrier or other person shall, within Canada, ship, transport or accept for shipment or transportation or carry for export or import any carcass, portion or product thereof unless such carrier or person shall furnish or have a certificate in duplicate in one of the forms prescribed in the Schedule hereto (Forms A, B, C, D, E, or, in the case of Form "B," an approved certificate from the country of origin).

(3) Certificates issued by farmer-owners shall be made out in duplicate, one copy to be kept by the farmer-owner, the other to accompany the shipment and to be delivered to the consignee. The duplicate shall be forwarded to the Veterinary Director General by the consignee.

(4) In addition to the requirements of section 7, subsection (13), hereof, inedible carcasses, portions or products thereof shall be accompanied by the certificate set out in Form "E" of the Schedule hereto.

(5) The original of all certificates, except farmer-owner certificates and those issued by inspectors, shall be held by the initial carrier for at least one year. The duplicate shall be forwarded by him to the Veterinary Director General immediately.

(6) Way bills, transfer bills, running slips or conductors' cards accompanying any shipment of carcasses, portions or products thereof shall have stamped thereon or attached thereto one of the following certificates:

(a) In the case of duly inspected and marked carcasses, portions or edible products thereof: "Shipment inspected and marked with the Inspection Legend as evidenced by shippers's certificate on file with initial carrier.

Railway Company
(Agent)"

(b) In the case of shipments made by farmer-owners:

"Uninspected, as evidenced by shipper's certificate on file with initial carrier.

Railway Company
(Agent)"

(c) In the case of shipments of foreign origin:

"Shipments inspected and marked in
(Country of origin)

as evidenced by certificate on file with carrier.
Railway Company
(Agent)"

(d) In the case of shipments of inedible products:

"Shipments of inedible products, as evidenced by shipper's certificate on file with initial carrier.

Railway Company

(Agent)"

(e) In the case of shipments inspected but not marked:

"Shipment inspected but unmarked, as evidenced by inspector's certificate on file with initial carrier.

Car sealed with Government seals.

Railway Company

No. of Government Seal

(Agent)"

(7) Before being used for the transportation of edible carcasses, portions or products thereof, railway cars, wagons and other vehicles shall be thoroughly cleaned and, if necessary, disinfected. They shall be provided with sufficient racks for the proper care and disposition of the contents, and suitable facilities for refrigeration shall be provided and maintained when necessary.

(8) Collectors of Customs shall not permit issue of Customs Export entry Form B.13 to cover export of any carcass, portion or product thereof under the Meat and Canned Foods Act unless such shipment is accompanied by a certificate as prescribed by these Regulations.

(9) All certificates required by these Regulations to be handed to a carrier shall, unless otherwise specified, be in duplicate.

(10) Ships' stores and provisions for railway dining cars may be exported out of Canada without being marked with the Inspection Legend, and without certificate.

(11) The following may, unless otherwise ordered, be accepted for shipment or transportation for export without certification or markings:

(a) Undrawn dressed poultry

(b) Carcasses or portions of game or reindeer

(c) Pork and Beans

(d) Mincemeat

(e) Gelatin (edible)

(f) Concentrated soups containing not more than five per centum of chicken fat as the sole meat product

(g) Dry concentrated soup mixtures containing meat not in excess of ten per centum.

(12) Cars of meats shipped from one establishment to another under seal and certificate shall not be tampered with during transit but shall be delivered intact to the establishment to which they are consigned as shown on the official certificate.

(13) (a) Bona fide commercial samples of manufactured meat products intended for examination or analysis, but not for sale, may be transported anywhere in Canada without certificate if the container be clearly marked "Samples—not for sale." The net weight of the product in any such individual sample shall not exceed one pound, but samples of different manufactured meat products, aggregating more than one pound in weight, may be shipped in one container if the container be clearly marked: ".....Samples—
(No. of samples)
not for sale."

(b) Samples of meat or of manufactured meat products addressed to an officer of the Dominion Government or to any Provincial Analyst or Bacteriologist shall be deemed to be official samples for which no marking or certification is required.

Offences

11. Every person shall be deemed to have committed an offence punishable as in the Act provided who

- (a) violates any of these Regulations;
- (b) moves or causes to be moved any carcass, portion or product thereof or article on which a "Held" tag has been placed or removes a "Held" tag unless thereto authorized by an inspector;
- (c) moves or removes or causes or allows to be moved or removed any carcass, portion or product thereof, except in compliance with the provisions of the Act and these Regulations;
- (d) knowing it to be false or misleading issues, signs, or uses any statement or certificate that is false or misleading with respect to any carcass, portion, or product thereof; or
- (e) uses illegally or improperly any Government mark.

SCHEDULE

Prescribed Forms

Form "A"

(To accompany shipments of inspected and marked carcasses, portions, or edible products thereof.)

Place..... Date.....

Name and address of shipper

Name and address of consignee

Name of carrier.....

I do hereby certify that the following described shipment consists of carcasses, portions or products thereof which have been duly inspected and are now marked with the Inspection Legend according to the Meat and Canned Foods Act and that they have not been tampered with or treated since they were so marked in any way other than as permitted under the said Act and Regulations made thereunder, and that they are at this date wholesome and fit for food.

No. of packages

Weight

Description

Shipping marks

(Signature of shipper)

Form "B"

(To accompany shipments of foreign origin consisting of inspected and marked carcasses, portions or edible products thereof which have passed a Government inspection in the country of origin satisfactory to the Minister.)

Place Date

Name and address of shipper

Name and address of consignee

Name of carrier

I hereby certify that the following described shipment consists of carcasses, portions or products thereof which have been duly inspected
(Country of origin)

and are marked
(Markings)

which is the official export marking of that country establishing that they have passed government inspection and that they are at this date to the best of my knowledge and belief sound, wholesome and fit for food.

No. of packages

Weight

Description

Shipping marks

(Signature of shipper)

Form "C"

(To accompany shipments in interprovincial trade in Canada by a farmer-owner himself or through a transportation company, common or other carrier, consisting of carcasses of animals over six months of age or portions thereof.)

Place Date

Name and address of farmer-owner

Name and address of consignee

Name and address of carrier

I hereby declare that I am a farmer and the owner and shipper of the following described carcasses or portions which are from animals over six months of age which are owned by me and were, previous to slaughter, fed by me and were slaughtered upon my own premises and are wholesome and fit for human food.

No. of carcasses or portions

Description

Witness

(Signature of farmer-owner)

Address

.....

Signature of agent or transportation company,
common or other carrier.

Form "D"

(To accompany shipments in interprovincial trade in Canada by a farmer-owner himself or through a transportation company, common or other carrier, consisting of carcasses of animals under six months of age or portions thereof.)

Place Date

Name and address of shipper

Name and address of consignee

Name and address of carrier

I hereby declare that I am a farmer and the owner and shipper of the following described carcasses or portions. I further declare that they were born on my farm and are the progeny of dams owned by me and that they were at least

three weeks and not more than six months of age at the time of slaughter and had been fed by me on my own farm during the entire time, and that they were slaughtered by me upon my own premises and are at this date wholesome and fit for human food.

No. of carcasses or portions
 Description
 Witness.....

(Signature of farmer-owner)

Signature of agent or transportation company,
 common or other carrier.

Form "E"

(To accompany shipments of inedible carcasses, portions or products thereof offered for transportation for export.)

Place..... Date.....

Name and address of shipper
 Name and address of consignee
 Name of carrier

I hereby certify that the following described shipment consists of inedible carcasses, portions or products thereof, that they were obtained from animals that were free from contagious disease as defined in the Animal Contagious Diseases Act, and that the containers are marked in accordance with the Regulations made under the Meat and Canned Foods Act.

No. of packages
 Weight
 Description
 Shipping marks

(Signature of shipper or inspector)

Form "F"

(To accompany shipments forwarded direct from the country of origin, or forwarded in bond through a country other than the country of origin.)

Place..... Date.....

I, appointed and authorized by the National Government of to issue certificates covering the export of carcasses, portions and products thereof, do hereby certify that the carcasses, portions or products thereof herein described were given efficient ante and post-mortem inspection; that the handling and manufacture were carried on under sanitary conditions, and that the description of the shipment is true and correct and conforms to the requirements as set forth in the Regulations made under the Meat and Canned Foods Act of the Dominion of Canada, and that such carcasses, portions or products thereof bear the official inspection mark of as herein shown and that they are

(Name of country of origin)

at this date wholesome and fit for human food.

(Facsimile of inspection mark)

Description and kind
 No. of pieces or packages
 Weight
 Identification marks
 Shipped by:..... Address.....
 Shipping marks

(Signature of Official)

(Rank or Title)

Form "G"

(To accompany shipments entering Canada from a country other than the country of origin.)

Place..... Date.....

I,, an inspector duly appointed and authorized by the National Government of
(Name of country)

do hereby certify that the carcasses, portions or products thereof herein described were received in direct shipment from
(Country of origin)

duly certified and marked by a duly accredited official of that country, establishing that the carcasses, portions or products thereof had been handled in accordance with the requirements of the Regulations made under the authority of the Meat and Canned Foods Act of the Dominion of Canada, and I further certify that the carcasses, portions or products thereof have not been handled or dealt with in any manner other than that permitted under the aforementioned Act and Regulations while in this country.

.....
(Facsimile of inspection mark)

Description and kind of product

No. of pieces or packages

Weight

Identification marks

Shipped by Address.....

Shipping marks

.....
(Signature of Official)

.....
(Rank or Title)

Form "H"

(To accompany shipments uninspected in the country of origin and intended solely for the personal use of the consignee.)

Place..... Date.....

I,, hereby certify that the carcasses,
(Name of shipper)

portions or products thereof described herein were obtained from animals owned and slaughtered by me and that they have been handled and prepared in a manner permitted by the Regulations made under the Meat and Canned Foods Act of the Dominion of Canada, and that they are at this date wholesome and fit for human food, and they are intended for the exclusive use of.....

.....
(Name and address)

Description and kind of product

No. of pieces or packages

Weight

.....
(Signature of shipper)

Form "J"

(To accompany shipments of pork and beans, mincemeat or plum puddings imported into Canada.)

I,, hereby certify that the pork, suet or other meat used in the manufacture of the following described shipments of pork and beans or mincemeat or plum pudding was purchased from an establishment operating under National inspection. I further certify that the said pork or suet

or other meat was found by the duly accredited inspectors of the National Government of

(Name of country)

to be sound, wholesome and fit for food.

Description and kind of products

No. of packages

Weight

(Signature of shipper)

Form "K"

(To accompany shipments of edible gelatin imported into Canada.)

Place..... Date.....

I,, hereby certify that the described shipment consists of edible gelatin, that it meets the requirements of edible gelatin established under the authority of the Food and Drugs Act of the Dominion of Canada, and that the packages are plainly and legibly marked as required by the Meat and Canned Foods Act.

Description

No. of packages

Weight

(Signature of shipper)

Form "L"

(To accompany shipments of inedible animal products imported into Canada.)

Place..... Date.....

I,, hereby certify that the following described shipment consists of

(Name of shipper)

(Name of product)

that it is inedible and unfit for human food and is intended for.....

(Description of use)

Description and kind of product.....

No. of packages or pieces

Weight

(Signature of shipper)

Form "M"

(To accompany shipments of consecrated soup originating in the United States containing not more than five per centum of chicken fat as the sole meat product.)

Place..... Date.....

I,, hereby certify that the shipment ofsoup to which this certificate refers contains not more than five per centum of chicken fat as the sole meat product; that such product can legally be sold in the United States of America and is wholesome and fit for human consumption.

Description of product

No. of packages

Weight

Consignee

Address

(Signature of shipper)

(Name of firm)

(Address)

PART VI

Texts of Related Provincial Food and Drug Laws and Regulations

Explanatory Notes to Provincial Statutes

A number of provincial statutes which are relevant to the subject of food and drugs, have been selected from the Table of Statutes. Certain of these, which are reproduced in full in this Part, are marked by an asterisk.

These statutes are listed province by province, and there is given in each case, the year of enactment and the chapter number, including reference to any amendments that have been made.

Under the heading General Subject Matter of Legislation, there are set forth brief explanatory notes of the purpose of various of these statutes, as well as a reference to the subject under which the legislation is discussed in Chapter 4, either as a particular statute or one of a class.

For convenience, the following are the symbols and abbreviations which are used:

- *—Statute reproduced in full
- am—amendment
- c—chapter
- O/C or P.C.—Order in Council
- R.S.—Revised Statutes
- Reg.—Regulation
- Dairy Leg.—Dairy Legislation
- Fish. Leg.—Fisheries Legislation
- F.V.G. & S.—Fruit, Vegetables Grading and Sales Legislation
- Health Leg.—Health Legislation
- L. & L.P.—Live Stock and Live Stock Products Legislation
- Marg. Leg.—Margarine Legislation
- Mark. Leg.—Marketing Legislation
- Misc. Leg.—Miscellaneous Legislation
- Mun. Leg.—Municipal Legislation
- Ph. Leg.—Pharmacy Legislation

NEWFOUNDLAND

Statutes—Citation—General Subject Matter of Legislation

- Food and Drugs Act Regulations—1950, No. 47.—see Misc. Leg.
- 1951 Margarine Regulations.—See Marg. Leg.
- Vegetable Grading Act 1950 Regulations—1950, No. 26.—See F.V.G. & S.
- Pharmaceutical Society and Sale of Drugs Act—No. 43.—See Ph. Leg.
- Health and Public Welfare Act—1931, 1945, 1946.—*Authorizes regulations, see Regulations of 12 October, 1946, respecting sale of certain drugs on prescription.—See also Ph. Leg.
- Department of Natural Resources Acts—1934-44.—Authorizes regulations respecting the following: Salmon Regulations, Lobster Regulations, Codfish Canning (Licensing) Regulations, Herring Regulations, Squid Regulations, Seal Meat Regulations, Turbot Regulations, Culling of Fish Regulations, Codfishery Regulations.—See also Fish. Leg.
- Poultry and Poultry Products Act—1951, No. 35.—Regulating marketing within Newfoundland.

PRINCE EDWARD ISLAND

*Statutes—Citation—General Subject Matter of Legislation**(Also See Addendum Part VI)*

The Fish and Canned Fish and Canneries Inspection Act—1940, c. 29.—See Fish. Leg.

The Fisheries Act—1949, c. 14.—Relates to Canneries and fish plants as to licensing—application to the province of federal statutes; Regulations may be issued in matters of grading, inspection, sanitation, operating methods.—See also Fish. Leg.

Regulations

The Live Stock and Live Stock Products Act—1940, c. 39.—See L. & L.P.

*The Lobster Canneries Act—1933, c. 39.—Deals with licensing of lobster canneries and provides penalties.

The Agricultural Products Marketing Act—1940, c. 40; 1949, c. 2.—Deals with fruits and vegetables.—See also F.V.G. & S. and Mark. Leg.

*The Milk Act—1947, c. 27.—Deals with production and processing of fluid milk and cream including milk and cream definitions and standards.—See also Dairy Leg.

The Dairy Industry Act—1950, c. 12.—See Marg. Leg.

The Poultry and Poultry Products Act—1940, c. 48; 1941, c. 19.—Deals with grading, inspection, etc., of poultry.

*The Uniform Weight of Bread Act—1947, c. 8.—See Misc. Leg.

The Public Health Act—1946, c. 26; 1949, c. 18 am.; 1951, c. 18.—Authorizes regulations respecting slaughter houses; sale of milk (See The Standard Milk Ordinance of June 2, 1949); the supply and quality of biological products intended for prevention or control of disease; creameries.—See also Health Leg.

The Pharmacy Act—1949, c. 67.—See Ph. Leg.

*The Potato Act—1947, c. 28.—Deals with quality of seed and control of planting, including inspection, grades, etc.—See also Misc. Leg.

NOVA SCOTIA

*Statutes—Citation—General Subject Matter of Legislation**(Also See Addendum Part VI)*

The Agriculture and Marketing Act—1939, c. 4; 1940, c. 54; 1942, c. 46; 1943, c. 36; 1944, c. 39; 1945, c. 61; 1946, c. 43; 1947, c. 51; 1948, c. 53; 1950, c. 41.—See F.V.G. & S. See Mark. Leg.

*The Pharmacy Act—R.S. 1923, c. 117; 1928, c. 39 am.; 1930, c. 35 am.; 1931, c. 35 am.; 1940, c. 22 am.; 1944, c. 23 am.; 1948, c. 27 am.—See Ph. Leg.

The Towns' Incorporation Act—1941, c. 3; 1943, c. 39; 1944, c. 43; 1945, c. 69; 1946, c. 46; 1947, c. 57; 1948, c. 60; 1949, c. 52; 1950, c. 45.—Authorizing municipalities to pass by-laws re slaughtering and sale of meat, sale of impure food; weight of bread.—See also Health Leg. See also Mun. Leg.

*Nova Scotia Fisheries Act—*Regulations—1946, c. 11; 1948, c. 71 am.—See Fish. Leg.

The Margarine Act—1949, c. 3.—See Marg. Leg.

The Natural Products Marketing Act—1946, c. 10; 1947, c. 68; 1949, c. 64; 1950, c. 55.—See F.V.G. & S. See Mark. Leg.

The Public Health Act—1938, c. 4; 1940, c. 51 am.; 1941, c. 48 am.; 1942, c. 44 am.; 1944, c. 37 am.; 1945, c. 60 am.; 1946, c. 41 am.; 1947, c. 49 am.; 1948, c. 52 am.; 1949, c. 47 am.—Regulations under the Act: (1) Counter Freezers, and regulations re manufacture of ice-cream. (2) Milk Production, Milk Pasteurization Plants and Raw Milk Plants.—See also Health Leg. See also Mun. Leg.

*The Narcotic Drug Addicts Act—1924, c. 6.—See Misc. Leg.

NEW BRUNSWICK

Statutes—Citation—General Subject Matter of Legislation
(Also See Addendum Part VI)

- The Dairy Industry Act—1951, c. 140.—Director and inspector of dairy service authorized for analysis, grading and testing. Regulations may be passed requiring pasteurization, sanitation conditions, etc.—See also Dairy Leg.
- The Apiary Inspection Act—1951, c. 125.—Re use of sulfathiazole for disease amongst bees.
- Pharmaceutical Consolidation Act—1938, c. 94 am.; 1947, c. 134; 1951, c. 45.—See Ph. Leg.
- Oleomargarine Act—1951, c.—See Marg. Leg.
- Regulations
- The Dairy Products Act—1951, c. 141.—Establishes commissions charged with supervision of production and distribution of milk; empowered to fix prices and do other things necessary to regulate and protect milk production and supply.—See also Dairy Leg.
- The Potato Industry Act—1939, c. 51; 1949, c. 50 am.—Re disease control measures.
- The Fisheries Act—1951, c. 157.—See Fish. Leg.
- *The Oyster Fisheries Act—1951, c. 192.—See Misc. Leg.
- The Natural Products Control Act—1951, c. 10.—See F.V.G. & S. See Mark. Leg.
- Public Health Act—R.S. 1927, c. 59; 1928, c. 11 am.; 1931, c. 31 am.; 1935, c. 26; 1938, c. 29; 1939, c. 21; 1941, c. 18; 1943, c. 14; 1944, c. 18; 1945, c. 25; 1948, c. 25.—Regulations under the Act: (1) Regulations re sale of food and food products for human consumption. (2) re Lodging Houses, Dairies and Milk and Slaughter houses. (3) re Restaurants, conditions as to food offered for sale and storage.—See also Health Leg.

QUEBEC

Statutes—Citation—General Subject Matter of Legislation
(Also See Addendum Part VI)

- An Act to Protect the Dairy Industry—1949, c. 44.—Enabling legislation to prohibit or regulate the sale of margarine or other butter substitutes; makes provision for enforcement.
- Regulations—P.C. 291; March 17, 1949.—See also Dairy Leg. See also Marg. Leg.
- Agricultural Products—R.S.Q. 1941, c. 132.—Re grading and sale of agricultural products.—See also F.V.G. & S. See also Mark. Leg.
- Dairy Products Act—R.S.Q. 1941, c. 126; 1944, c. 32 am.; 1947, c. 46 am.; 1949, c. 18 am.—Definitions of products and standards. Inspection of factories. Authorizing appointment of Dairy Commissioner for province having price fixing and other powers.—See also Dairy Leg.
- An Act re the Price of Milk and Cream—R.S.Q. 1947, c. 127.—To prevent selling below fixed price.
- The Tobacco Act—R.S.Q. 1941, c. 134; 1949, c. 18.—Ensure proper processing conditions and quality by inspection, etc.
- Public Health Act—R.S.Q. 1941, c. 183; 1944, c. 32 am.; 1951, c. am.—Authorizes regulations respecting water, ice, foods, etc. (See P.C. 479, February 12, 1944. Makes provision for regulations respecting the sanitary condition of food, including methods used in the production, handling, preserving and distribution of food.—See also Health Leg.
- *Quebec Narcotics Act—R.S.Q. 1941, c. 259; 1949, c. 18.—Regulates sale of cocaine, morphine, opium, cucaine. No person excepting physicians, pharmacists, dentists, or vet. surgeons may sell any narcotic without a licence. (These must conform to Narcotic Act of Canada in any use of narcotic drugs.—See also Ph. Leg.

QUEBEC (Continued)

Statutes—Citation—General Subject Matter of Legislation

- *Cocaine and Morphine Sales Act—R.S.Q. 1941, c. 260; 1949, c. 18 am.—Regulating the sale as to labelling; restrictions as to authorized buyers; specifications as to form of prescriptions issued, record of sales; provisions for search warrant in case of suspected violation of act.—See also Ph. Leg.
- Bread Act—R.S.Q. 1941, c. 252.—Regulating weight of loaves.—See also Misc. Leg.
- *Canned Foods Act—R.S.Q. 1941, c. 140.—Preparing, grading and inspecting canned foods sold within province.—See also Misc. Leg.
- An Act respecting the Preparing or Canning of Fish and Other Sea Food—R.S.Q. 1941, c. 203.—See Fish. Leg.
- Cities and Towns Act—R.S.Q. 1941, c. 233; 1942, c. 57 am.; 1943, c. 37 am.; 1944, c. 39 am.; 1945, c. 52-53; 1947, c. 59; 1950, c. 59.—Regulations re abattoirs, stock yards and stables; taxation of horned cattle; cold storage establishments; food products, milk.—See also Health Leg. See also Mun. Leg.
- Quebec Pharmacy Act—R.S.Q. 1941, c. 267; 1944, c. 42.—See Ph. Leg.
- Quebec Fisheries Act—R.S.Q. 1941, c. 154; 1942, c. 46; 1946, c. 34.—Protection of fisheries; regulations as to sale, purchase and possession of fish.—See also Fish. Leg.

ONTARIO

*Statutes—Citation—General Subject Matter of Legislation**(Also See Addendum Part VI)*

- The Bread Sales Act—R.S.O. 1950, c. 39.—Specifying weight of bread; prohibiting use of any adulterant or harmful material.—See also Misc. Leg.
- The Dairy Products Act—R.S.O. 1950, c. 86.—Requirements as to factories, licensing of plants, inspection, sanitary containers.—See also Dairy Leg.
- *The Farm Products Grades and Sales Act—Regulations—R.S.O. 1950, c. 130.—Establishes grades, provides for marking and grade identification, inspection.—See also F.V.G. & S.
- The Consolidated Cheese Factories Act—R.S.O. 1950, c. 63.—Provision for provincial loans; security required in form of mortgages on lands, buildings, etc.
- The Farm Products Marketing Act—R.S.O. 1950, c. 131; 1951, c. 25 am.—A Central Marketing Board is created whose functions include the authority to adjudicate and settle disputes, investigate costs of production and distribution, negotiate minimum prices, impose licensing requirements. It may delegate any of its assigned duties to local boards.—See also Mark. Leg.
- The Farm Products Containers Act—R.S.O. 1950, c. 129.—Requires producers of fruits and vegetables to obtain license for purchase of containers.
- The Fruit Packing Act—R.S.O. 1950, c. 150.—Authorizes payment of provincial grants to fruit growers associations for purpose of acquiring, erecting buildings for grading, packing and storing of fruit.
- *The Live Stock and Live Stock Products Act—R.S.O. 1950, c. 212.—Establishes standards for grading of live stock, conditions of shipment, detention of stock or products found on inspection not shipped or branded according to regulations.—See also L. & L.P.
- The Milk and Cream Act—R.S.O. 1950, c. 232.—Municipalities may regulate as to sanitation of barns, etc., cleansing of utensils, bacteriological testing of milk, butter fat content. Preventive measures re sale of milk from diseased cows.—See Dairy Leg.—Milk Production.
- The Milk Control Act—R.S.O. 1950, c. 233; 1951, c. 50 am.—Establishes a "Milk Control Board" to supervise and regulate the production and distribution of fluid milk.—See Dairy Leg.—Milk Control.

ONTARIO (Continued)

Statutes—Citation—General Subject Matter of Legislation

- The Municipal Act—R.S.O. 1950, c. 243; 1951, c. 53 am.—Provides for inspection of food, fish, foodshops.—See also Mun. Leg.
- The Oleomargarine Act—Regulations—R.S.O. 1950, c. 259; 1951, c. 61 am.—See Marg. Leg.
- The Pharmacy Act—R.S.O. 1950, c. 276; 1951, c. 64 am.—See Ph. Leg.
- The Public Health Act—R.S.O. 1950, c. 306; 1951, c. 70 am.—Provisions re Milk Pasteurization Plants (Compulsory pasteurization in city and towns); inspection of dairies, cheese factories, dairy farms, etc.; inspection of animals, meat, municipal slaughter houses, regulations re frozen food locker plants, O. Reg. 79/46, eating establishments. O. Reg. 227/47, Oct. 16/47. Pasteurization of milk, O. Reg. 86/51, April 26, 1951.—See also Health Leg.
- The Seed Potatoes Act—R.S.O. 1950, c. 355.—Provides for inspection and quality seed potatoes.
- The Stock Yards Act—R.S.O. 1950, c. 376.—Administration and operation of stock yards.
- Transportation of Fowl Act—R.S.O. 1950, c. 397.—Highway transportation by permit only except in the case of specified producers or purchasers or licensed commercial vehicles.

MANITOBA

Statutes—Citation—General Subject Matter of Legislation

- The Dairy Act—R.S.M. 1940, c. 49; 1947, c. 13 am.; 1951, c. 14 am.—To ensure maintenance of milk and cream standards, licensing of dairymen.—See also Dairy Leg.
- The Manitoba Live Stock and Live Stock Products Act—R.S.M. 1940, c. 122; 1944, c. 19.—Provides for establishing of grade standards, marketing, inspection, etc.—See also L. & L.P.
- The Vegetable Sales Act—1941-42, c. 64; 1948, c. 63 am.—Grading and inspection for sale within the province.—See also F.V.G. & S.
- The Milk Control Act—R.S.M. 1940, c. 135; 1951, c. 40 am.—Deals with production and distribution of fluid milk and cream; establishes Milk Control Board to regulate industry including fixing of prices.
- *The Manitoba Natural Products Marketing Act—R.S.M. 1940, c. 147.—Establishes Man. Marketing Bd. to deal with promotion, control and regulation of transportation, packing, storage and marketing of products within the province, and having power to fix maximum and minimum prices.—See Mark. Leg.
- The Margarine Act—1949, c. 35.—See Marg. Leg.
- The Frozen Food Locker Plant Act—1945, c. 17; 1947, c. 17 am.—See Health Leg. See Misc. Leg.
- The Fish Dealers Act—1941-42, c. 22; 1943, c. 17; 1949, c. 19.—Licensing requirements for fish processors and dealers and operators of cold storage plants. Dealers required to submit accurate records of each transaction.—See also Fish. Leg.
- *The Manitoba Fish Inspection Act—1940 (1st s.), c. 18.—Applying provisions of federal Act which are within authority of province.—See also Fish. Leg.
- Food Products Minimum Loss Act—R.S.M. 1940, c. 78.—See Misc. Leg.
- The Municipal Act—R.S. 1940, c. 141; 1940, c. 60-63 am.; 1940, (2S) c. 47; 1941-42, c. 69; 1943, c. 53-54; 1944, c. 51; 1945, c. 71-3; 1946, c. 71; 1947, c. 69; 1948, c. 69-73; 1949, c. 74-78; 1950, c. 68-69; 1951, c. 70-72.—Sec. 895—Food Regulations; inspectors of food for sale; sanitary ingredients of bread. Sec. 896—Nuisances; inspecting and regulating dairies. Sec. 897—Testing and inspecting cattle; licensing of municipal vendors, dairies. Sec. 898—Provisions for separation or destruction of tuberculin animals, subject

MANITOBA (Continued)

Statutes—Citation—General Subject Matter of Legislation

to Animal Contagious Diseases Act (Canada). Sec. 929—Provision for by-law for employment of veterinary surgeon and compulsory treatment of live stock for disease. See 948—Weight of bread regulated.—See also Health Leg. See also Mun. Leg.

The Fisheries Act (Federal)—Regulations—P.C. 5756, Nov. 10, 1949.—See Fish. Leg. See also Chapter 3.

The Public Health Act—R.S.M. 1940, c. 171; 1940 (1S), c. 38; 1941-42, c. 41; 1943, c. 38; 1945, c. 48; 1946, cc. 45, 46; 1948, cc. 37, 38; 1949, c. 46; 1951, c. 46.—Authorizes regulations respecting water supply for creameries and milk supply; places for food preparation (See Part IV of Regulations entitled "Food"); sanitation in restaurants; handling food; use of poisons.—See also Health Leg.

An Act to consolidate and revise the Winnipeg Charter.—R.S. 1940, c. 81; 1940 (2S), c. 53; 1941-42, c. 90, 91; 1943, c. 63; 1944, c. 68-70; 1945, c. 92-3; 1946, c. 95-6; 1947, c. 94-5; 1948, c. 92-3; 1949, c. 92-3; 1950, c. 94-5; 1951, c. 91-2.—By-laws may be passed re licensing and regulating milk vendors or any regulations re adulteration of food, weight of bread, city's powers re abattoirs; general regulations re sanitation, etc.; provision for compensating owners of glandered horses.—See also Health Leg. See also Mun. Leg.

*The Pharmaceutical Act—R.S. 1940, c. 162.—See Ph. Leg.

The Narcotic Drug Addicts Act—R.S. 1940, c. 146.—See Misc. Leg.

SASKATCHEWAN

Statutes—Citation—General Subject Matter of Legislation

The Bread Sales Act—R.S.S. 1940, c. 155.—Fixing quality and weight of bread sold within city; licensing of bakeshops. Regulations re sanitary condition of bread and bakeries.—See also Misc. Leg.

The City Act—1947, c. 43; 1948, c. 33 am.; 1949, c. 42 am.; 1950, c. 34 am.; 1951, c. 40 am.—Section 231 (23-25B)—Provisions re food, bread, slaughter-houses, inspection of animals and marking of meat as "approved". Section 231 (92) re pasteurization milk.—See also Health Leg. See also Mun. Leg.

The Town Act—1947, c. 44; 1948, c. 34 am.; 1949, c. 43 am.; 1950, c. 35 am.; 1951, c. 41 am.—Section 220 (18, 20)—Sale bread and inspection food and drink sold; regulating erection of slaughter-houses; inspection of dairies and all places where food produced for sale; empowering town to require pasteurization; inspection and testing of cattle.—See also Health Leg. See also Mun. Leg.

The Village Act—1946, c. 31; 1947, c. 45 am.; 1948, c. 35 am.; 1949, c. 44 am.; 1950, c. 36 am.; 1951, c. 42 am.—Section 176 (57-61)—re bread, inspecting and regulating slaughter-houses, licensing dairy farms, dairies, inspecting and testing cattle.—See also Health Leg. See also Mun. Leg.

The Live Stock and Live Stock Products Act—R.S.S. 1940, c. 187; 1944, c. 65 am.; 1947, c. 68 am.—Fixing and defining grade standards of live stock and live stock products including poultry, eggs, honey. Inspectors may be provincial employees or federal inspectors of Department of Agriculture ex-offices.—See also L. & L.P.

The Milk Control Act—R.S.S. 1940, c. 201.—Regulating terms and conditions upon which milk is processed and distributed.—See also Dairy Leg.

The Pharmacy Act—R.S.S. 1940, c. 217; 1944, c. 67 am.; 1945, c. 83 am.; 1948, c. 78 am.; 1949, c. 83 am.—See Ph. Leg.

The Public Health Act—Regulations—1950, c. 81.—Compulsory pasteurization in cities and towns over 1,000 population (latter class may be exempted by O/C). Regulations re (1) *Bakeshops*, ensure sanitation in premises and equipment, etc. (2) *Milk and Milk Products*—Definitions and standards, protection against adulteration and misbranding, provisions re sanitation in production and distribution, pasteurization. (3) *Public Eating Places*—

SASKATCHEWAN (Continued)

Statutes—Citation—General Subject Matter of Legislation

operation and maintenance, food preservation, grading of eating establishments. (4) *Slaughter, Inspection and Sale of Horsemeat*, O/C 1362/51.—See also Health Leg.

- The Fisheries Act—1944, c. 14; 1944 (2nd Sess.), c. 49; 1945, c. 90 am.; 1947, c. 22 am.; 1949, c. 14 am.; 1951, c. 22 am.—Inspection of fish, licensing of canneries, also brings under force of provincial law the sections of federal *Fish Inspection Act* which are within the jurisdiction of the province. Regulations: February 28, 1949; May 14, 1945; April 8, 1950 (Saskatchewan Gazette).
Cf. Canada Gazette, December 28, 1949, and December 13, 1950, for special fishery regulations for Saskatchewan under federal Fisheries Act.—See also Fish. Leg.
- The Natural Products Marketing Act—1945, c. 18; 1950, c. 99 am.; 1951, c. 67 am.—Creation of Saskatchewan Marketing Board for trade within the province.—Establishing of marketing schemes.—See also Mark. Leg.
- The Vegetable and Honey Sales Act—1947, c. 70; 1951, c. 65 am.—See F.V.G. & S.
- *The Frozen Food Locker Act—1946, c. 85.—Establishing sanitary standards of plants. Regulations—March 25, 1950.—See also Health Leg. See Misc. Leg.
- The Dairy Products Act—1948, c. 65; 1951, c. 61.—See Dairy. Leg.
- *The Margarine Act—*Regulations—1949, c. 77.—See Marg. Leg.

ALBERTA

*Statutes—Citation—General Subject Matter of Legislation**(Also See Addendum Part VI)*

- The Fishery Act—1950, c. 24—Provisions for regulating trade practices in handling of fish, licensing, inspection, etc.—See Fish. Leg.
- The Alberta Live Stock and Live Stock Products Act—R.S.A. 1942, c. 88; 1949, c. 10 am.—Inspection, requirements for grading, etc. Regulations—The Alberta Gazette—1949, No. 11, p. 697.—See L. & L.P.
- The Bee Diseases Act—R.S.A. 1942, c. 80; 1944, c. 36 am.—Applies chiefly to destruction "foul-brood", and quarantine of bees with infectious diseases.
- *The Dairymen's Act—*Regulations—1950, c. 18; 1951, c. 23 am.—Provides for inspection, grading, quality standards, sanitation in manufacture of dairy products, and licensing of dairy plants.—See Dairy Leg.
- *The Public Health Act—Regulations—R.S. 1942, c. 183; 1944, c. 53 am.; 1945, c. 51 am.; 1946, c. 49 am.; 1947, c. 56 am.; 1949, c. 80 am.; 1950, c. 52 am.; 1951, c. 66 am.—Regulations: (1) re *Horsemeat*—O/C 353-51—Horsemeat for human consumption must bear inspection mark of federal department of Agriculture; requires permit for sale; must also bear identification in green dye or if packaged be labelled such. If foods sold contain horsemeat, this ingredient must be indicated.
- *(2) *Canned Meat or Canned Meat Food Products*. Licensing of persons processing or manufacturing for sale in province required. Every processor must furnish on request samples of any ingredient for analysis.
- (3) *Bakeshops*: re Sanitary conditions.
- *(4) *Cheese for sale* must be produced from pasteurized milk as specified in federal Dairy Industry Act, 1927, c. 45; or have aged 90 days minimum and be labelled as pasteurized or unpasteurized. Onus of seeing that cheese imported *outside province* is properly labelled is upon the retailer.
- (5) *Dairy Farms, Milk Plants, Fluid Milk and Cream*. Containers, premises, inspection, grading, specifications as to pasteurization, etc.
- *(6) *Food and Drink* re food handlers, cleansing and sterilization of dishes, etc.
- *(7) *Restaurants—Sanitation*.—See also Health Leg.

ALBERTA (Continued)*Statutes—Citation—General Subject Matter of Legislation*

- The Live Stock Diseases Act—1946, c. 10; 1947, c. 39 am.; 1949, c. 60 am.; 1951, c. 50 am.; Provisions for control of infectious disease as brucellosis, under 1949 amendment. Vaccination required in brucellosis—restricted areas.—See also Misc. Leg.
- The Alberta Marketing Act—R.S.A. 1942, c. 253; 1949, c. 11 am.—Relates to marketing vegetables, live stock, poultry, dairy products, honey, within the province. Administration of schemes assigned to Marketing Board.—See also Mark. Leg.
- The Vegetable Sales Act—R.S.A. 1942, c. 87.—Regulations: The Alberta Gazette 1949, No. 19, 1244; 1950, No. 6, p. 383.—See F.V.G. & S.
- The Margarine Act—1949, c. 62; 1950, c. 39 am.—See Marg. Leg.
- The Town and Village Act—R.S.A. 1942, c. 150; 1944, c. 40 am.; 1945, c. 41 am.; 1947, c. 48 am.; 1949, c. 99 am.; 1951, c. 93 am.—Provision for By-laws re slaughter-houses, disposal of refuse, food and drink.—See also Health Leg. See Mun. Leg.
- The Agricultural Products Marketing Act—1949, c. 2.—Empowers the province to carry out provisions of federal act which are within the jurisdiction of the province.—See also Mark. Leg.
- The Bread Act—R.S.A. 1942, c. 308.—Regulates weight, etc., of bread.—See also Misc. Leg.
- The Frozen Food Locker Act—1944, c. 11.—See Health Leg.—See Misc. Leg.
- The Alberta Fish Inspection Act—1944, c. 13, Repealed 1950, c. 24.—Authorizes province to carry out provisions of federal "Fish Inspection Act" which are within the authority of province.—See also Fish. Leg.
- The Alberta Pharmaceutical Association Act—R.S.A. 1942, c. 288; 1945, c. 15 am.; 1951, c. 60 am.—Regulations 1930 re poisonous drugs.—See Ph. Leg.

BRITISH COLUMBIA*Statutes—Citation—General Subject Matter of Legislation**(Also See Addendum Part VI)*

- Beef Grading Act—R.S. 1948, c. 26.—Make provision for grading and inspection of carcasses.—See also L. & L.P.
- Creameries and Dairies Regulation Act—R.S. 1948, c. 80; R.S. 1951, c. 18 am.—Prescribes requirements as to licensing of operators of creameries and dairies and of milk and cream testers and graders, also defines duties of provincial dairy inspectors.—See Dairy Leg.
- Contagious Diseases (Animals) Act—R.S. 1948, c. 67 am.—Defines duties of inspectors and makes provision for introduction of necessary restrictive measures. Contains special provisions applying to the examination and testing of cattle for T.B. and Brucellosis.—See Misc. Leg.
- Dairy Industry Act—R.S. 1948, c. 90; 1949, c. 16 am.—Federal "Dairy Industry Act" made operative in B.C. insofar as it relates to matters of provincial control.—See Dairy Leg.
- Egg Marks Act—R.S. 1948, c. 104.—Re marking of imported eggs with principal reference to Chinese eggs.
- Fisheries Act Regulations—R.S. 1948, c. 125; 1950, c. 21 am.—Provides for imposing of tax on fishing operations, prescribes licensing requirements for canneries and other types of fish plants, enforcement provisions and penalties.—See Fish. Leg.
- Fruit, Vegetables and Honey Grades Act—R.S. 1948, c. 133.—Establishes grades, marketing regulations and inspection.—See F.V.G. & S.

BRITISH COLUMBIA (Continued)

Statutes—Citation—General Subject Matter of Legislation

- Health Act—R.S. 1948, c. 141—Regulations passed under the Health Act includes: (1) re sanitary condition of canneries and fish-packing establishments, (2) sanitation of eating and drinking places, Nov. 20, 1946; (3) Frozen Food Locker Plants, Feb. 21, 1947, (4) Food Preserving, Canning, Storage or Packing Establishments, (5) Sanitary Control of Shell Fish Industry, (6) Sanitary Regulations governing environmental sanitation, generally slaughter-houses, etc.—See Health Leg.
- Meat and Canned Foods Act—R.S. 1948, c. 38—Federal enactments re Canned Fish and Canneries given force of law in province insofar as these provisions come under provincial jurisdiction.—See Fish. Leg.
- Apiaries Act—R.S. 1948, c. 14.—Inspection of apiaries for disease in hives.
- Milk Act—R.S. 1948, c. 208; 1950, c. 49 am.—Provides for production and sale of milk for human consumption.—See Dairy Leg.—Milk production.
- Stock-brands Act—R.S. 1948, c. 34; 1949, c. 6 am.; 1950, c. 5 am.; 1951, c. 8 am.—Slaughtering for food must be done at licensed slaughter-houses, except in case of registered brands slaughtered by proprietor.
- Live Stock and Live Stock Products (B.C.) Act—R.S. 1948, c. 315.—Gives province power to carry out provisions of federal Act which are within jurisdiction of the province.—See also L. & L.P.
- Natural Products Marketing (B.C.) Act—R.S. 1948, c. 200; 1951, c. 53 am.—Creation of a B.C. Marketing Board having control of transportation, packing, storage and marketing within the province of agricultural products, fish, game, also manufactured articles of food and drink wholly or partly manufactured from natural products, licensing of persons engaged in distribution or marketing; has power to fix prices at which the regulated product may be sold within the province.—See also Mark. Leg.
- Hog Grading Act—R.S. 1948, c. 146.—Providing for inspection, grading and marketing.
- Municipal Act—R.S. 1948, c. 232; 1949, c. 41 am.; 1950, c. 51 am.—Municipalities empowered to pass by-laws regarding inspection of products offered for sale for human food; inspection of foods and eating establishments, slaughter-houses, prevention of adulteration or use of harmful materials in foodstuffs including bread, sale by short weight, prohibiting sale of unpasteurized milk within municipalities with approval of electors.—See also Health Leg. See Mun. Leg.
- *Poultry and Poultry Products Act—R.S. 1948, c. 258.—Prescribing standards of grades chiefly for shipping.—See Misc. Leg.
- Oleomargarine Act—Regulations—R.S. 1949, c. 48.—Regulations—1949—p. 756 —Provincial Gazette.—See Marg. Leg.
- Pharmacy Act—R.S. 1948, c. 251; 1951, c. 61 am.—See Ph. Leg.
- Certified Seed Potato Act—R.S. 1948, c. 257.—Province to facilitate growing of certified seed potatoes by constituting seed-control areas on representation of farm owners.

DRUGS

PHARMACY LEGISLATION

The subject of drugs as dealt with federally and provincially, has been discussed in Chapters 3 and 4.

It is difficult in the absence of a detailed examination of each of the respective pharmacy acts, to understand or appreciate the wide differences which exist in the methods of controlling the sale of drugs provincially.

The acts, as indicated in Chapter 3, are both "licensing" as well as "sales" statutes. They establish the qualifications which are necessary for the practice of pharmacy, and also contain provisions respecting the conditions under which drugs may be sold.

There is possibly sufficient similarity in the statutes as regards the first of these purposes, to make it unnecessary to reproduce the text of all statutes.

Accordingly, the provincial statutes have been briefly summarized insofar as their subject matters involve licensing and other qualifications for pharmaceutical chemists, and other matters relating to the practice of pharmacy.

As regards matters pertaining to the sale of drugs, the classification of drugs, schedules of drugs, creation of offences and the imposition of penalties, the subject is of such importance as well as of such variation as to justify the reproduction of the relevant sections of the respective statutes.

Accordingly, there is set forth in the case of each province, a brief analysis of the sections of the respective pharmacy acts as they relate to the practice of pharmacy, and the sections which relate to the sale of drugs and related matters are reproduced in full.

As a guide to the type of legislation which is contained in these acts relating to the practice of pharmacy, there is reproduced in full, the text of The Pharmaceutical Act of the Province of Manitoba.

This act is reproduced as the first of the pharmacy statutes and is followed by a brief summary and reproduction of certain portions of the pharmacy acts of the other provinces of Canada.

The order of appearance of the pharmaceutical acts, is as follows:
Province of Manitoba—Pharmaceutical Act.

Province of Newfoundland—Pharmaceutical Society and Sale of Drugs Act.

Portions of the Health and Public Welfare (Amendment) Act Regulations thereunder.

Province of P.E.I.—The Pharmacy Act.

Province of Nova Scotia—The Pharmacy Act.

Province of New Brunswick—Pharmaceutical Consolidation Act, 1938.

Province of Quebec—The Pharmacy Act.

Province of Ontario—The Pharmacy Act.

Province of Saskatchewan—An Act Respecting Pharmaceutical Chemists and Druggists.

Province of Alberta—The Alberta Pharmaceutical Association Act.

Province of British Columbia—An Act Respecting the Practice of Pharmacy and the Regulation of the Sale and Use of Poisons and Drugs.

Pharmacy Legislation—Manitoba

AN ACT respecting The Manitoba Pharmaceutical Association.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Short Title

Short title.

1. This Act may be cited as "The Pharmaceutical Act." S.M. 1934, c. 33, s. 1.
History: S.M. 1878, c. 31; C.S.M. 1880-81, c. 9, Div. V.; R.S.M. 1902, c. 116; R.S.M. 1913, c. 153; C.A. 1924, c. 153; S.M. 1934, c. 33.

Interpretation

Definitions:

2. In this Act, unless the context otherwise requires,

"Council."

- (a) "council" means the council of the association;

"Dentist."

- (b) "dentist" means a person legally qualified and entitled to practise the profession of dentistry in the province;

"Drug."

- (c) "drug" means any substance, whether or not produced in whole or in part by a synthetic process, and either alone or in conjunction with another substance, the definition and composition of which is found in the British Pharmacopœia or other pharmacopœia approved by the Minister of Pensions and National Health of Canada or in the Canadian Formulary, or other formulary approved and accepted by the Minister of Pensions and National Health of Canada;

"Licensed pharmaceutical chemist."

- (d) "licensed pharmaceutical chemist" means a pharmaceutical chemist who is the holder of a license in good standing entitling him to practise his profession in the province;

"Medical practitioner."

- (e) "medical practitioner" means a person who is legally qualified and entitled to practise the profession of medicine in the province;

"Medicine."

- (f) "medicine" includes all drugs for internal or external use of man or animal, and any substance or mixture of substances intended to be used for the treatment, mitigation or prevention of disease in man or animal.

"Pharmaceutical chemist."

- (g) "pharmaceutical chemist" means a member of the association, registered as a licentiate pharmaceutical chemist;

"Proprietary or patent medicine."

- (h) "proprietary or patent medicine" has the same meaning as in the Proprietary or Patent Medicine Act (Canada);

"Veterinary surgeon."

- (i) "veterinary surgeon" means a person legally qualified and entitled to practise his profession as such in the province. S.M. 1934, c. 33, s. 2 am.

The Association

Incorporation, continuation of.

3. The Pharmaceutical Association of the Province of Manitoba, heretofore incorporated by Acts of the Legislature, is continued as a body corporate under the name of The Manitoba Pharmaceutical Association. S.M. 1934, c. 33, s. 3.

Members.

4. The members of the association shall consist of such persons as are now members thereof, together with such persons as hereafter, pursuant to the provisions of this Act, become members thereof, and whose names are entered upon the register of the association as pharmaceutical chemists. S.M. 1934, c. 33, s. 4.

Property of the association.

5. The association shall have power to acquire personal property and real property, not exceeding in annual value ten thousand dollars, and the property or any part thereof to hold, alienate, exchange, mortgage, lease, charge or dispose of as occasion requires, and may erect buildings to provide accommodation for lectures on chemistry, pharmacy or any other subject prescribed by the council, for a library, pharmaceutical museum or specimen room, for the use of members and certified apprentices of the association, or for any other purpose required by the association. S.M. 1934, c. 33, s. 5 am.

The Council

Council.

6. (1) There shall be a council of the association, composed of not fewer than five members, who shall conduct the affairs and exercise the powers of the association.

Election of.

(2) The council shall be elected from among those members of the association who reside in the province and who are engaged in the actual practice of their profession as pharmaceutical chemists.

Termination of membership.

(3) If a member of the council ceases to engage in the actual practice of his profession, he shall cease to be a member of the council.

Divisions for election purposes.

(4) If the association desires to divide the province into electoral divisions for the purpose of the election of members of the council, it may, by by-law, make the division, and may make provision for the number of members from each division, for the holding of elections in accordance therewith and for voting thereat.

Term of office.

(5) The members of the council shall be elected for a period of two years, but a member may resign his office by letter addressed to the president or the registrar of the association; and upon the death, resignation, disqualification or removal from the province of a member of the council, the council may appoint some other qualified person to fill the vacancy, and the person so appointed shall hold office for the remainder of the term of the person in whose stead he is appointed.

Quorum.

(6) Four members of the council shall form a quorum for the transaction of business.

Continuation of office.

(7) The tenure of office of all members of the Council elected pursuant to the provisions of any Act which is repealed by this Act shall continue until expiry in due course thereof as if this Act had not been passed. S.M. 1934, c. 33, s. 6 am.

Meetings

General meeting.

7. (1) The members of the association shall hold a general meeting once in each year and such special general meetings as the council deems advisable. The annual general meeting shall be held at such time and place as the council determines, notice of the time and place of the meeting to be given in the manner provided by the by-laws. Upon the requisition in writing, sign by twenty-five members of the association entitled to vote, the council shall convene a special general meeting for the purpose specified in the requisition, within such reasonable time as it thinks fit, first giving such notice thereof as the by-laws of the association prescribe, stating therein the purpose for which the meeting is convened.

Quorum.

(2) The quorum of a general meeting of the association for the transaction of business shall be fifteen members.

Voting powers.

(3) Only members of the association who are holders of licenses for the current year shall be entitled to vote at a meeting of the association. S.M. 1934, c. 33, s. 7.

Majority to decide questions.

8. At all meetings of the association and of the council, the majority of the members present, having a right to vote thereat respectively, shall decide upon the matters proposed, and the person presiding shall have a casting vote in case of an equality of votes. S.M. 1934, c. 33, s. 8.

Officers

Election of officers.

9. (1) The council shall, at its first meeting after the annual meeting of the association at which it was elected, appoint a registrar or a registrar-treasurer, and shall elect from among its members a president and vice-president, and may appoint such other officers, inspectors and agents as it deems necessary.

Continuance in office.

(2) The council, officers and registrar or registrar-treasurer shall respectively continue to act until their successors are elected or appointed. S.M. 1934, c. 33, s. 9 am.

Powers of Council

Management.

10. The council shall have the sole control and management of the property of the association, subject to the by-laws thereof; but no real property shall be acquired, alienated, mortgaged, leased, charged or disposed of without the previous authorization of the majority of the members of the association present at an annual meeting or at a special meeting of the association called for the purpose. S.M. 1934, c. 33, s. 10.

By-laws respecting:

11. (1) The council may make by-laws and regulations, not inconsistent with this Act, respecting

Examinations.

(a) the holding and conduct of examinations of candidates for registration as pharmaceutical chemists, and as certified apprentices;

Subjects.

(b) the prescribing of subjects upon which the candidates are to be examined, and the qualifications of candidates;

Fees.

(c) the establishment of a scale of fees to be paid by candidates for examination, by applicants for registration and for annual licenses;

Duties of officials.

(d) the appointment, remuneration and defining of the duties of officers, examiners and employees of the association;

Remuneration of members.

(e) the payment, remuneration or indemnity to members of the council in attending its sittings or in attending upon the business of the association;

Fines.

(f) the prescribing of fines and penalties for default in payment of fees and terms of re-admission to the privileges of the association, whether the default occurred before or after the passing of this Act;

Discipline of licensees.

(g) the imposition of fines upon, or the censure, suspension, or expulsion from the association of a pharmaceutical chemist or registered apprentice found by the council to be guilty of conduct detrimental to public interest, or of wilful negligence, or of misconduct in the practice of his business or profession, or convicted of a crime or offence against a statute; but subject, in case of expulsion, to any right of appeal given by this Act to the person affected thereby;

Meetings.

(h) the regulation of the meetings and proceedings of the association and the council;

Co-operation.

(i) the assistance, pecuniary or otherwise, of other associations or organizations where, in the opinion of the council, the assistance will be of benefit to the association or the members thereof;

Forms.

(j) the forms to be used under this Act; and

Generally.

(k) any other matter requisite for carrying out the objects of this Act.

By-laws, amendment or repeal.

(2) The by-laws and regulations may be amended, altered, or repealed, in whole or in part, at an annual general meeting of the association, if notice in accordance with the by-laws is given of the intention so to do.

No action against council for enforcing penalties.

(3) No action shall lie against the council or its members for any proceedings *bona fide* taken or enforced or attempted under a by-law or regulation of the association. S.M. 1934, c. 33, s. 11 am.

Existing by-laws validated.

12. By-laws, rules and regulations heretofore passed, not inconsistent with this Act, shall be valid and effectual, but subject to be repealed or altered under this Act. S.M. 1934, c. 33, s. 12.

Board of examiners, appointment.

13. The council may appoint a board of examiners, consisting of such number of persons as it determines, to examine persons who apply to be examined and registered under this Act. S.M. 1934, c. 33, s. 13.

Certified Apprentices*Candidate for apprentice:*

14. (1) Before a candidate shall be eligible to be registered as a certified apprentice he shall

Moral character.

(a) produce to the council satisfactory evidence of good moral character;

and

Pass examination.

(b) pass such examinations as the council prescribe, or produce to the council satisfactory evidence of requisite knowledge.

Age limit.

(2) No person shall be competent to be registered as a certified apprentice unless he has attained the age of at least sixteen years. S.M. 1934, c. 33, s. 14.

Certified clerks, privileges.

15. Persons registered as certified clerks at the date of the coming into force of this Act shall be entitled to all their then rights and privileges. S.M. 1934, c. 33, s. 15.

Qualifications of Pharmaceutical Chemists*Candidate for licentiate pharmaceutical chemist.*

16. (1) Before a candidate shall be entitled to be registered as a licentiate pharmaceutical chemist he shall

Term of apprenticeship.

(a) produce to the council the prescribed contract of service and satisfactory evidence that he has served at least four years as a certified apprentice to a licensed pharmaceutical chemist who has been, during that period, in actual practice as a compounder of physicians' prescriptions, and that he has attended such course of instruction as the council prescribes; time spent in attendance at a regular course of lectures and instruction in a college or school of pharmacy recognized and approved by the council shall be considered part of the period of service to the extent determined by by-law of the council;

Pass examinations.

(b) pass such examination as the council prescribes, or produce to it other satisfactory evidence of requisite knowledge and experience; and

Application within six years.

(c) make his application for registration within six years, from his registration as a certified apprentice, unless the time is extended by the council.

Age limit and national qualifications.

(2) No person shall be registered as a pharmaceutical chemist who is not a British subject and who has not attained the age of twenty-one years. S.M. 1934, c. 33, s. 16 am.

Diplomas accepted as evidence of qualification.

17. The council may in its discretion accept the diploma or other authenticated certificate of examination of any other competent examining board outside the province, or of the Department of Education of Manitoba, as sufficient evidence of the qualification of an applicant to be registered as a certified apprentice; and it may accept the diploma or other authenticated certificate of examination of any other competent examining board outside the province, or of The University of Manitoba, as sufficient evidence of the qualification of an applicant to be registered as a pharmaceutical chemist. S.M. 1934, c. 33, s. 17.

Certificate of registration.

18. Every person entitled to be registered under this Act shall, upon payment to the association of such fee as the regulations or by-laws of the association prescribe, receive a certificate of registration under the seal of the association, in the form set forth in Schedule S. S.M. 1934, c. 33, s. 18.

Duties of Registrar*Form of register.*

19. (1) The registrar of the association shall make and keep a register, according to the form in Schedule D, of all persons entitled to be registered under this Act, and shall enter opposite the names of all registered persons, who have

died, a statement of that fact, and make the necessary alterations in the addresses of registered persons; but a register in use by the association at the coming into force of this Act shall be deemed to be the register of the association and shall be sufficient for the purposes of this Act and any prosecution thereunder, though it is not in the form or does not contain all of the information prescribed by this Act.

Annual register.

(2) The registrar shall also keep an annual register for the current pharmaceutical year of all persons licensed to practise as pharmaceutical chemists in the province for the year, and of all licensed pharmaceutical chemists who have taken out shop and branch licenses for the year.

Registers as evidence.

(3) The production of a register or a copy thereof or an extract therefrom, certified under the hand of the registrar or acting registrar and the seal of the association, shall be evidence of the truth of the statements therein in an action in a court or in a prosecution under this Act. S.M. 1934, c. 33, s. 19 am.

Note: See sec. 42.

Entry in register.

20. (1) No names shall be entered in the register except of persons authorized by this Act to be registered, nor unless the registrar is satisfied by proper evidence that the person claiming is entitled to be registered, and any appeal from the decision of the registrar may be decided by the council of the association.

Entry cancelled for fraud.

(2) An entry which is proved to the satisfaction of the council to have been fraudulently or incorrectly made may be amended or cancelled in the register by order of the council. S.M. 1934, c. 33, s. 20 am.

Licenses

Annual license fee.

21. (1) Every person registered under this Act, who is engaged in the practice of his profession, shall pay to the association annually the fee prescribed by the council, on or before such annual date as the council fixes, and in default of payment the association may recover the fee by action.

Form of license.

(2) Upon payment of the fee the person so registered shall receive a license under the seal of the association, in the form set forth in Schedule F, valid and effective for one year from the date so fixed.

Effect of default in payment.

(3) No person shall be entitled to any of the privileges, rights or authority of a licensed pharmaceutical chemist or certified apprentice who is in default in respect of fees payable by him by virtue of this Act or the by-laws of the association. S.M. 1934, c. 33, s. 21.

Registration of medical practitioner.

22. Every medical practitioner shall, upon application, be entitled to be registered as a pharmaceutical chemist, and thereafter he shall be subject to the requirements of this Act, but nothing in this section contained shall permit a person who is not a pharmaceutical chemist to carry on business as such under or by virtue of the registration of a medical practitioner, unless the medical practitioner personally supervises the compounding of drugs in the place of business carried on by him. S.M. 1934, c. 33, s. 22 am.

Retirement from association. Notice to registrar.

23. A pharmaceutical chemist registered as a member of the association shall, upon retiring from business as such, notify the registrar in writing of his retirement, and in default he shall remain liable for the annual fee for each

succeeding year for a period of three years as though carrying on business; and he may resume and carry on business as a pharmaceutical chemist upon giving notice in writing to the registrar of his intention so to do, and upon payment of the then current annual fee and any arrears owing by him. S.M. 1934, c. 33, s. 23.

Shops to be licensed.

24. (1) Every licensed pharmaceutical chemist who, and every corporation which carries on the business of a pharmacy, shall take out a shop license for the purpose.

Application for shop license.

(2) The applicant for a shop license shall

(a) file with the registrar an application in the form prescribed by the council, giving such information as the council requires;

(b) furnish to the registrar satisfactory evidence that the shop is under the *bona fide* management, superintendence and personal supervision of the applicant or a licensed pharmaceutical chemist; and

(c) if so required, satisfy the council as to the suitability of the premises for the purpose, and thereupon and upon payment of the license fee he shall be entitled to obtain a license from the registrar.

Form of shop license.

(3) A shop license shall be in the form of Schedule G, and shall entitle the holder thereof to conduct or have conducted, in accordance with the provisions of this Act, a shop for the dispensing and compounding of drugs and medicines and the sale of poisons, in the premises designated in the license.

Shop license to be annual.

(4) The license shall be an annual license, and may be re-issued from year to year, and shall be in force for the term of one year from a date fixed by the council.

Management of shops.

(5) Every shop for the compounding or dispensing of drugs or medicines or for the sale of poisons shall be under the personal superintendence of and shall be *bona fide* managed and conducted by a licensed pharmaceutical chemist.

Shop license to be displayed.

(6) The license, when issued, shall be displayed in some conspicuous place in the shop, and over the door or principal entrance thereto shall be displayed in prominent legible letters the words "Licensed Pharmacy." S.M. 1934, c. 33, s. 24.

Branch shops.

25. (1) No licensed pharmaceutical chemist shall open or carry on a branch or other shop or place of business without first paying the annual fee and obtaining a shop license therefor under this Act, bearing upon its face the words "branch license," and without placing and keeping the shop in the immediate charge, and under the personal superintendence, and *bona fide* management and conduct of another licensed pharmaceutical chemist.

Notice to registrar, of names of employees.

(2) The proprietor of such a branch or other shop or place of business shall notify the registrar of the names of the manager thereof and of the licensed pharmaceutical chemists employed therein, and of any change in the management or employees.

Shop license for corporation.

(3) Every license for a shop owned by a corporation shall be issued in the name of the licensed pharmaceutical chemist in charge thereof, who, as well as the corporation, shall be responsible for the due compliance with all the provisions of this Act and liable for any non-compliance therewith. S.M. 1934, c. 33, s. 25.

License to chemist to be displayed.

26. Every licensed pharmaceutical chemist, whether the owner or manager of or an employee in a shop or place of business licensed under this Act, shall display and keep displayed in some conspicuous public position therein, his license for the current year. S.M. 1934, c. 33, s. 26.

Pharmacy business to be carried on in licensed shop.

27. (1) No person shall, by himself or through another person, carry on the business of a pharmaceutical chemist except in a shop or place of business licensed under this Act, nor unless the shop license is duly displayed in the shop, nor unless there is displayed in legible letters over the door or principal entrance of the shop the words "Licensed Pharmacy," with the name of the licensed pharmaceutical chemist in charge thereof, accompanied with the word "chemist" or "druggist" displayed at some conspicuous place on the outside of the premises at or near the door or entrance.

"Licensed Pharmacy" to be used only in licensed shops.

(2) No person shall use the name "Licensed Pharmacy" over the entrance to a shop unless the shop is licensed under this Act. S.M. 1934, c. 33, s. 27 am.

Change of ownership.

28. In the event of a change of ownership of a shop licensed under this Act, the holder of the license shall transfer to the transferee of the business his shop license by an endorsement thereon, and the license shall be delivered up to the registrar for cancellation and a new license may be issued to the transferee upon his complying with the conditions required for the issue of a license, and paying the fee prescribed by the council. S.M. 1934, c. 33, s. 28.

Prohibitions*Prohibitions against selling poisons, drugs or medicine except by licensed chemist.*

29. (1) Save as in this Act otherwise provided, no person shall,

(a) keep open shop for retailing, dispensing or compounding poisons, drugs or medicines, including the articles mentioned in Schedule A;

(b) dispense or compound poisons, drugs or medicines;

(c) sell or attempt to sell or keep or expose for sale poisons, drugs or medicines;

(d) act as agent for a licensed pharmaceutical chemist except in a shop licensed under this Act; nor

Use of certain titles prohibited.

(e) assume or use the title of "pharmaceutical chemist" or "chemist and druggist" or "chemist" or "druggist" or "pharmacist" or "apothecary" or "dispensing chemist" or "dispensing druggist" or "herbalist"; or display on or about a shop or advertise, display, list or use in an advertisement any of the titles mentioned, or the designation "drug store," "drug department," "pharmacy," "drugs," or "medicine," or assume, use, display, advertise, list or use in an advertisement any other sign, title or advertisement implying or calculated to lead the public to infer that he is registered under this Act, unless he holds a valid and subsisting license as a pharmaceutical chemist.

Drugs, etc., in shop deemed for sale.

(2) If any poisons, drugs or medicines are found in a shop in which business is transacted, it shall be conclusively deemed that they are kept for sale.

Corporations complying with Act saved.

(3) Nothing in this Act shall prevent a corporation authorized to do business in the province from owning or carrying on the business of a pharmacy, but the corporation may only sell poisons, drugs or medicines and compound prescriptions upon obtaining a shop license and otherwise complying with the provisions of this Act. S.M. 1934, c. 33, s. 29.

(4) No certified apprentice shall compound prescriptions or sell poisonous drugs or medicines unless under the direct supervision of a licensed pharmaceutical chemist. En. S.M. 1936, c. 29, s. 1.

Sales on prescription.

30. (1) No pharmaceutical chemist shall sell any of the articles named in Part I of Schedule A except to a medical practitioner, veterinary surgeon or dentist, or upon the prescription of a medical practitioner, veterinary surgeon or dentist.

Sale of poisons:

(2) No pharmaceutical chemist shall sell any of the articles mentioned in Part II of Schedule A, unless,

Signing for.

(a) before delivery, he makes an entry in a book to be kept for that purpose in the form set forth in Schedule C, to be called the "Register of Poisons," stating the date of sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is stated by the purchaser and believed by the seller to be required, and the name of the person, if any, who introduced him, to which entry the signatures of the purchaser and of the person actually selling the same shall be affixed;

Purchaser to be known.

(b) if the article is sold by retail, the purchaser is known to the seller, or if unknown, is introduced by a person known to the seller; and

Poisons to be so labeled.

(c) the box, vessel, bottle, wrapper or cover in which the article is contained is distinctly labeled with the name of the article and the word "poison" in conspicuous letters, and if sold by retail every label shall give the name and address of the establishment in which the poison is sold.

Note: Prohibitions on Sale of Narcotics—See the Opium and Narcotic Drug Act, 1929 (Canada).

Register of poisons to be open for inspection.

(3) The register of poisons shall be open at all times during business hours for inspection by any officer of the association, or by any agent of the association, appointed in writing under the hand of the registrar or by a judge of a court in the province, or by a magistrate, or by any person authorized in writing by the judge or magistrate, and it shall be unlawful to refuse to permit the inspection. S.M. 1934, c. 33, s. 30 am.

Misleading or untruthful statements prohibited.

31. No person shall make a misleading or untruthful statement or representation in connection with the sale or purchase of any of the articles mentioned in Schedule A. S.M. 1934, c. 33, s. 31.

Resolution for additions to Schedules A or B. Approval by L.-G.-in-C.

32. The council of the association may, by resolution, declare that an article named in the resolution be included or struck out or changed in any Part of Schedules A or B, and thereupon the association shall submit the resolution for the approval of the Lieutenant-Governor-in-Council and, if his approval is given, the resolution and approval shall be advertised in *The Manitoba Gazette*, and after the expiration of two months from the publication of the advertisement the articles named in the resolution shall be added to and included in the Schedules, or struck out or changed, as the case may be. S.M. 1934, c. 33, s. 32; am. S.M. 1936, c. 29, s. 2; am.

Sale of methyl-hydrate.

33. No person shall sell methyl-hydrate by retail without placing on the bottle in which it is delivered a label containing the word "poison" in letters of conspicuous size. S.M. 1934, c. 33, s. 33.

Sale of incorrectly described articles prohibited.

34. No person shall wilfully or knowingly sell any article under the pretence that it is a particular drug or medicine which it is not in fact, and any person so doing, besides any other penalties to which he may be liable, shall be subject to the penalties of this Act. S.M. 1934, c. 33, s. 34.

General Provisions*Standard of preparations.*

35. All compounds mentioned in both the British Pharmacopœia and the Canadian Formulary shall be prepared according to the formula directed in the latest editions published "by authority," unless the association selects another standard, or unless the label distinctly shows that the compound is prepared according to another formula. S.M. 1934, c. 33, s. 35 am.

Prescriptions, copies of. Proviso.

36. Every person who presents a prescription to a pharmaceutical chemist to be filled shall be entitled to have a copy thereof furnished to him by the chemist, unless otherwise directed by the medical practitioner, veterinary surgeon, or dentist prescribing it, but the original prescription may be retained by the chemist. S.M. 1934, c. 33, s. 36.

In case of bankruptcy, business may be continued.

37. (1) In case a person carrying on the business of a pharmaceutical chemist and duly licensed becoming bankrupt, insolvent or making an assignment for the general benefit of creditors the trustee in bankruptcy, liquidator or assignee, as the case is, shall be entitled to continue the business so long as it is personally managed and conducted by a licensed pharmaceutical chemist.

Executor, etc., may continue business.

(2) Upon the decease of a person legally authorized and actually carrying on the business of a licensed pharmaceutical chemist, at the time of his death, the executors, administrators and trustees of his estate may continue the business so long as it is personally managed and conducted by a licensed pharmaceutical chemist. S.M. 1934, c. 33, s. 37.

Liability of owner for acts of agent. Onus.

38. An owner, proprietor or manager shall be liable for every offence against this Act committed by any person with his permission, consent or approval, express or implied, and upon him shall be the onus of proof that the offence was committed without his permission, consent or approval. S.M. 1934, c. 33, s. 38.

Saving Provisions*Sales exempted from Act.*

39. Nothing in this Act shall prevent any person from selling goods to a licensed pharmaceutical chemist or medical practitioner, dentist or veterinary surgeon, or prevent a member of such profession from supplying to his patients such medicines as they require, nor interfere with the business of wholesale dealers in supplying poisons or other articles in marked packages in the ordinary course of wholesale dealing with persons entitled to sell the same, either by wholesale or retail; but every laboratory in which drugs and medicines are compounded for sale, either by retail or wholesale, shall be under the personal superintendence of a licensed pharmaceutical chemist. S.M. 1934, c. 33, s. 39.

Sales saved:

40. Nothing in this Act shall prevent a person not registered under this Act from

Proprietary medicine.

(a) selling or keeping for sale patent or proprietary medicines and any of those articles mentioned in Part I of Schedule B; or

Poisons for insect pests.

(b) selling or keeping for sale any of the articles mentioned in Part II of Schedule B, for agricultural purposes, in accordance with the provisions of the Agricultural Pests' Control Act (Canada), so long as they are sold in well-secured packages distinctly labeled with the name of the articles and marked "poison"; or

In country places.

(c) selling or keeping for sale any of the articles mentioned in Part III of Schedule B; but this paragraph shall not apply to any place or area in the province within three miles of which there is a licensed pharmaceutical chemist carrying on business. S.M. 1934, c. 33, s. 40; am. S.M. 1936, c. 29, s. 3; am.

Penalties and Prosecutions*Penalty for violations.*

41. (1) Any person violating any of the provisions of this Act shall, for each first offence, incur a penalty of not less than fifty dollars and not more than one hundred dollars, and costs of prosecution, and for each offence committed subsequent to the first conviction, to a penalty of not less than one hundred dollars and not more than two hundred dollars, and the costs of prosecution.

Note: Proceedings for Penalty—See "The Manitoba Summary Convictions Act," and "The Manitoba Magistrates Act."

Subsequent proceedings and penalties.

(2) In default of payment and of sufficient distress the accused shall, for each first offence, be liable to imprisonment for any term not exceeding two months, and for each subsequent offence for any term not exceeding four months.

Time limit.

(3) Every prosecution under this Act shall be commenced within six months from the date of the alleged offence. S.M. 1934, c. 33, s. 41.

Penalties payable to association.

(4) All penalties recovered under this Act as a result of a prosecution by or on behalf of the association shall be paid to the registrar of the association and shall form part of the funds thereof. En. S.M. 1936, c. 29, s. 4.

Onus on defendant in proceedings.

42. (1) In an action or prosecution under this Act it shall be presumed, until the contrary is shown, that the accused is not a licensed pharmaceutical chemist and that he is not the holder of a shop license, and the onus shall be upon the accused to show that he is a licensed pharmaceutical chemist or the holder of a shop license.

License as evidence.

(2) The production of a license purporting to be under the provisions of this Act and under the hand of the registrar and the seal of the association, shall be evidence of its contents. S.M. 1934, c. 33, s. 42.

Note: Evidential Value of Certificate—See sec. 29 of "The Manitoba Evidence Act."

Prosecutions for breach of regulations regarding sale of poisons. Onus.

43. (1) In an action or prosecution under this Act where it is shown that a person has sold or otherwise disposed of, or offered to sell or dispose of an article

(a) which purports to be or to contain any poison, drug or medicine; or

(b) the container of which is marked to indicate that the contents are or include any poison, drug or medicine; or

(c) which the person selling or disposing of has represented to be or to contain any poison, drug, or medicine,

it shall not be necessary for the prosecution to prove that the article is or contains the poison, drug or medicine, but the onus shall be on the accused to establish that the article is not and does not contain the poison, drug or medicine.

Onus respecting publication of signs.

(2) In an action or prosecution under this Act where it is shown that a sign, title or advertisement has been published contrary to the provisions of this Act, it shall not be necessary for the prosecution to prove that the sign, title or advertisement was published by the accused, but the onus shall be on the accused to establish that the sign, title or advertisement was not published by him. S.M. 1934, c. 33, s. 43.

Information for more than one offence.

44. Where a person is charged with more than one offence under this Act, it shall be lawful to include all the charges in one information. S.M. 1934, c. 33, s. 44.

Cancellation of license.

45. (1) Upon a resolution of the council of the association being passed, declaring that a person in consequence of

(a) his conviction for an offence against an Act of the Parliament of Canada or the assembly relating to the sale of narcotic drugs, poisons or alcoholic liquors; or

(b) his conviction for a crime involving moral turpitude; or

(c) his personal habits in regard to the use of poisons, narcotic drugs or alcoholic liquors,

is unfit to practise his profession as a licensed pharmaceutical chemist, the license issued to him under this Act shall be cancelled and the registrar shall strike his name off the register.

Appeal.

(2) A licensed pharmaceutical chemist whose license has been cancelled may, within three months of such extended time as a judge of the Court of King's Bench thinks reasonable, appeal to the Court of King's Bench, and the court may make any order directing the registrar to restore his name to the register or may dismiss the appeal.

Decision of court to be final.

(3) The decision of the court shall be final and the registrar shall make any entry in the register necessary to comply with the order of the court, and, if the order so directs, restore the license.

Reinstatement by council.

(4) The council may, upon application, reinstate a person whose name has been struck off the register.

No action against council, etc., if it has acted bona fide.

(5) No action or other proceeding shall be brought or taken by or on behalf of a person against the council or any member or committee thereof, for anything done or attempted in good faith under this section. S.M. 1934, c. 33, s. 45 am.

No recovery for articles sold in violation of Act.

46. No person selling articles in violation of this Act shall be entitled to recover the amount of any charges in respect thereof in any court. S.M. 1934, c. 33, s. 46.

SCHEDULE A

Part I

(Section 30(1))

Articles which may be sold only to a medical practitioner, veterinary surgeon or dentist, or on the prescription of a medical practitioner, veterinary surgeon or dentist:

1. Apiol;
2. Atropine and its salts and preparations;
3. Butyl Chloral Hydrate;
- *4. Cannabis Indica (Indian Hemp);
5. Chloral Hydrate;
6. Chlorodyne;
- *7. Cocaine and its salts or any preparation or admixture thereof, or any synthetic substitute for the same; as Novacaine, Stovaine, or any other trade-name, mark or designation;
8. Codeine and its salts and their preparations, except as provided in Part III, Item 1, of this Schedule;
9. Ergot, fluid extract thereof;
- *10. Eucaïne and its salts, or any preparation or admixture thereof;
- *11. Heroin;
12. Hydrocyanic (Prussic) Acid;
13. Hyoscine;
14. Hyoscyamus and its preparations;
- *15. Laudanum, but not paregoric;
- *16. Morphine and its salts or any admixture thereof;
17. Nitro-glycerine;
- *18. Opium, including crude opium, powdered opium, or opium prepared or in course of preparation for smoking;
19. Pento-Barbital Sodium, whether described as Nembutal, or any other trade-name, mark or designation;
20. Scopolamine;
21. Spartein and preparations or admixtures thereof; and
22. Strophanthus and preparations or admixtures thereof.

*NOTE.—The following articles cannot be sold except in compliance with *The Opium and Narcotic Drug Act, 1929* (Canada):

- Cocaine or any salts or compounds thereof;
- Morphine or any salts or compounds thereof;
- Heroin or any salts or compounds thereof;
- Opium or its preparations, or any opium alkaloids, or their derivatives, or salts or preparations of opium alkaloids, or their derivatives, but not including codeine or apomorphine;
- Eucaïne or any salts or compounds thereof; and
- Cannabis Indica (Indian Hemp) or Hasheesh, or its preparations, or compounds, or derivatives, or their preparations or compounds.

Part II

(Section 30(2))

Articles which may be sold to a person known to the chemist and after being entered in the Books of Poisons and signed for and properly labeled:

1. Aconite and its preparations and compounds;
2. Antimony, tartrate of (Tartar Emetic);
3. Arsenic and its preparations and compounds, except as provided in Part III, Item 1, of this Schedule;
4. Belladonna and its preparations and compounds, except as provided in Parts III, Item 1, of this Schedule;
5. Cantharides;
6. Carbolic Acid pure, or of greater strength than five per cent. when mixed with water, or ten per cent. when mixed with glycerine and water, but not crude carbolic acid;
7. Chloroform;
8. Conium and its preparations and compounds;
9. Croton Oil;
10. Derris Root;
11. Diethyl Barbituric Acid (Barbital B.P.) (Barbitone B.P.) and all

- salts, or preparations, or derivatives of Barbituric Acid, whether described as "Veronal," "Proponal," "Medinal," or any other trade-name, mark or designation, and all Urethanes and Ureides, except as provided in Part I of this Schedule;
12. Elaterium;
 13. Euphorbium;
 14. Goulard's Extract;
 15. Lobelia;
 16. Mercury and its preparations;
 17. Mercurial Salts (corrosive sublimate), excepting "Calomel";
 18. Nux Vomica and its preparations;
 19. Oil of Bitter Almonds;
 20. Phenobarbital, "Luminal" and any other trade-name, mark or designation;
 21. Potassium Cyanide and all other metallic cyanides;
 22. Paregoric;
 23. Santonin; and
 24. Strychnine and its salts and preparations, except as provided in Part III, Item 1, of this Schedule.

NOTE.—Paregoric may be sold only in accordance with Dominion Government regulations.

Part III (Section 29)

Articles which may be sold by a licensed pharmaceutical chemist to any person:

1. Arsenic, Belladonna, Codeine and Strychnine, when combined with other ingredients in preparations of pills, capsules, tablets, elixirs or syrups, in doses not exceeding those of the British Pharmacopœia and generally recognized as safe medication;
2. Acid, Acetylsalicylic, whether described as "Aspirin," "Acetophen" or any other trade-name, mark or designation;
3. Acid, Chromic;
4. Acid, Oxalic;
5. Acid, Salicylic;
6. Aloes and preparations thereof;
7. Amyl Nitrate;
8. Antikamina and preparations thereof;
9. Aristol;
10. Beta Naphthol;
11. Bismuth and preparations thereof;
12. Butyn;
13. Caffine and preparations and compounds thereof;
14. Calomel;
15. Cerium Oxalate;
16. Chloretone;
17. Columnian Spirits;
18. Cresol and Cresylic Acid;
19. Creosote;
20. Digitalis;
21. Ephedrine Salts;
22. Formin, whether described as "Urotropin," "Urosal," "Urosine" or any other trade-name, mark or designation;
23. Guaiacol and preparations thereof;
24. Hellebore;
25. Ichthyol and preparations thereof;
26. Iodine and preparations thereof;
27. Ipecac and preparations thereof;
28. Lead Acetate;
29. Methyline Blue;
30. Oil of Cedar;
31. Pennyroyal;
32. Phenacetin (para-acetphenetidin);
33. Phenazone (anti-pyrine);
34. Podophyllin;
35. Potassium Bromide;
36. Potassium Chloride;
37. Potassium Bichromite;
38. Potassium Iodide;
39. Potassium Permanganate;
40. Phosphorus in a free state;
41. Resorcin;
42. Sabadilla Seeds;
43. Silicine;
44. Salol;
45. Salophen;
46. Stramonium;
47. Valerian; and
48. Verdigris.

S.M. 1934, c. 33, Sch. A; am. S.M. 1936, c. 29, s. 5; am.

SCHEDULE B

(Section 40)

Part I

Articles which may be sold by any person:

- | | |
|----------------------------|---------------------------|
| 1. Turpentine; | 14. Citrate of Magnesia; |
| 2. Epsom Salts; | 15. Rochelle Salts; |
| 3. Senna; | 16. Blue Stone; |
| 4. Alum; | 17. Copperas; |
| 5. Borax; | 18. Saltpetre; |
| 6. Castor Oil; | 19. Spirits of Nitre; |
| 7. Sulphur; | 20. Rhubarb root; |
| 8. Glauber's Salt; | 21. Solution of Ammonia; |
| 9. Cream of Tartar; | 22. Phosphate of Soda; |
| 10. Carbonate of Soda; | 23. Gum Camphor; |
| 10. Bi-carbonate of Soda; | 24. Quinine; |
| 12. Glycerine; | 25. Chloride of Lime; and |
| 13. Carbonate of Magnesia; | 26. Hydrogen Peroxide. |

Part II

Articles which may be sold by any person subject to the Agricultural Pests' Control Act (Dominion):

- | | |
|-----------------------------------|-----------------------------|
| 1. Paris Green; | 5. Formaldehyde (formalin); |
| 2. Hellebore; | 6. Gopher poison; and |
| 3. Sulphate of Copper; | 7. Arsenate of Lead. |
| 4. Methyl-Hydrate (wood alcohol); | |

Part III

Articles which may be sold by any person, except in any place or area in the province within three miles of which there is a licensed pharmaceutical chemist carrying on business:

- | | |
|--|------------------------|
| 1. Acetylsalicylic Acid (in sealed packets); whether described as "Aspirin," "Acetophen" or any other trade-name, mark or designation; | 4. Calomel; |
| 2. Tincture of Iodine (in sealed bottles); | 5. Oil of Cedar; |
| 3. Sulphuric Acid (in sealed bottles); | 6. Phenacetin; |
| | 7. Potassium Bromide; |
| | 8. Potassium Chloride; |
| | 9. Sabadilla seeds; |
| | 10. Salol; and |
| | 11. Soda Salicylate. |
- S.M. 1934, c. 33, Sch. B; am. S.M. 1936, c. 29, s. 6.

SCHEDULE C

(Section 30(2)(a))

Register of Sales of Poisons

Date	Name of purchaser	Name and quantity of poison sold	Purpose for which it is required	Signature of purchaser	Address of purchaser	Name of person introducing purchaser	Signature of person actually selling

S.M. 1934, c. 33, Sch. C.

SCHEDULE D

(Section 19(1))

**The Manitoba Pharmaceutical Association
Register of Members**

Name	Residence	Qualification	Remarks
A. B.	Winnipeg.	Licensed under	Dead.
C. D.	St. Boniface.	Examined and certified (date)	
E. F.	Selkirk.	Served apprenticeship and clerkship	Erased by order of council, dated 1st July, 19

S.M. 1934, c. 33, Sch. D.

SCHEDULE E

(Section 18)

I hereby certify that _____, of _____,
having complied with the requirements of "The Pharmaceutical Act" in that
behalf, was on the _____ day of _____, A.D. 19 _____, duly
registered as a _____ under the provisions of that Act.

(Corporate seal.)

Registrar of The Manitoba Pharmaceutical
Association.

S.M. 1934, c. 33, Sch. E am.

SCHEDULE F

(Section 21(2))

I hereby certify that _____, of _____, a
duly registered _____ under the provisions of "The Pharmaceutical
Act," having complied with the provisions of that Act, is licensed to practise and
exercise all the privileges, rights and authority of a _____
under that Act until the _____ day of _____, A.D. 19 _____.

(Corporate seal.)

Registrar of The Manitoba Pharmaceutical
Association.

S.M. 1934, c. 33, Sch. F. am.

SCHEDULE G

(Section 25(3))

Shop License

I hereby certify that _____
a duly licensed pharmaceutical chemist, is hereby licensed to conduct the business
of pharmaceutical chemist and druggist at _____ (describing
the premises) until the _____ day of _____, A.D. 19 _____.

Dated this _____ day of _____, A.D. 19 _____
(Corporate seal.)

Registrar of The Manitoba Pharmaceutical
Association.

S.M. 1934, c. 33, Sch. G.

PHARMACY LEGISLATION—NEWFOUNDLAND

Summary of Extracts from The Pharmaceutical Society
and Sale of Drugs Act

SECTION

1. Constitution of Pharmacy Board.
2. Membership.
3. Vacancies.
4. Meetings and quorums.
5. Officers.
6. Board to make rules.
7. Examiners.
8. Term of service required from candidates.
9. Register to be kept; publication thereof.
10. Medical practitioners to be registered.
11. Certain persons to be registered without examination.
12. Certificate in lieu of examination, etc.
13. Unregistered persons not to practice as druggists, etc.
14. Every drug shop to be under charge of registered druggist.
15. Penalty.

16. It shall be unlawful to sell any poison named in the Schedule A hereto either by wholesale or retail unless the box, bottle, wrapper or cover in which such poison is contained be distinctly labelled with the name of the article and the word "poison", and with the name and address of the seller of the poison; and it shall be unlawful to sell any poison of those which are in the first part of said schedule or may be hereafter added thereto under the provisions hereof to any person unknown to the seller unless introduced by some person known to the seller; and on every sale of any such article the seller shall, before delivery, make or cause to be made an entry in a book to be kept for that purpose stating the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signature of the purchaser and of the person (if any) who introduces him shall be affixed; but the provisions of this section shall not apply to any article when forming part of the ingredients of any medicine dispensed by a person registered under this Chapter, provided that such medicine be labelled as aforesaid with the name and address of the seller and that the ingredients thereof be entered, with the name of the person to whom it is sold or delivered, in a book to be kept for that purpose; or in lieu of such entry, that the physician's prescription for such medicine be kept on file in the office or premises of the seller of the said medicine. Any person violating the provisions of this section shall be liable to a penalty not exceeding fifty dollars, to be recovered in a summary manner by complaint of any person before a Justice of the Peace.

17. No person selling articles in violation of this Chapter shall recover in any Court of Justice the amount of any charges in respect thereof.

18. The Board may at any time, by resolution, declare that any poisonous drug or drugs mentioned in such resolution shall be added to Schedule A. Such resolution shall be transmitted to the Governor in Council, and, if approved by him, shall, after being published in the Royal Gazette for the period of one month, have the effect of law, and said schedule shall be liable to be amended by the addition thereto of such drug or drugs.

SCHEDULE A

Part I

Aconite and its preparations.
 Alkaloids—all poisonous vegetable Alkaloids and their salts.
 Arsenic and its preparations.
 Atropine, preparations of.
 Cantharides.
 Cocaine and its salts.
 Corrosive Sublimate and its preparations.
 Cyanides of Potassium and all metallic cyanides and preparations of such articles.
 Emetic Tartar.
 Ergot of Rye and its preparations.
 Picrotoxin.
 Prussic Acid and its preparations.
 Savin and its oil.
 Strychnine and its preparations.

Part II

Almonds, Essential oil of (unless deprived of its Prussic Acid).
 Belladonna and its preparations.
 Cantharides, tincture and all vesicating liquid preparations of,
 Carbolic Acid, liquid preparations of, and its homologues, containing more than three per cent, of those substances, except any preparations prepared for use as sheep-wash, or for any other purpose in connection with agriculture or horticulture, and contained in a closed vessel, distinctly labelled with the word "Poisonous", the name and address of the seller, and a notice of the agricultural or horticultural purpose for which the preparation has been prepared.

Chloroform.
 Chloral Hydrate and its preparations.
 Cocaine, preparations of.
 Corrosive Sublimate, preparations of.
 Croton Oil.
 Digitalis and its preparations.
 Mercuric Iodide.
 Mercuric Sulphocyanide.
 Morphine, preparations of.
 Nux Vomica and its preparations.
 Opium and all preparations of Opium or of Poppies.
 Oxalic Acid.
 Precipitate, Red (Red Oxide of Mercury).
 Precipitate, White (Ammoniated Mercury).
 Strophanthus and its preparations.

Every compound containing any poison within the meaning of this Chapter when prepared or sold for the destruction of vermin.

NEWFOUNDLAND

AN ACT further to amend the Health and Public Welfare Act, 1931.

[27th January, 1945]

SECTION

- 1.—Repeal Sec. 410; restriction on sale certain drugs.
- 2.—Repeal Sec. 411; possession of certain drugs for sale.

SECTION

- 3.—Repeal Sec. 412; prescriptions for certain drugs by physicians, etc.
- 4.—Date of coming into operation.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Repeal Sec. 410; restriction on sale certain drugs.

1. Section 410 of the Health and Public Welfare Act, 1931, is hereby repealed and the following substituted therefor:

410.—(1) It shall be unlawful for any person to furnish, sell, give or otherwise dispense any of the drugs mentioned in subsection (3) of this section, or their salts or compounds except upon the original written prescription of a registered practitioner of medicine, dentistry or veterinary medicine of good standing in his profession.

(2) The provisions of this section shall not apply to the sale of any drugs by a registered pharmacist or chemist to other registered pharmacists or chemists, hospitals, physicians, dentists, practitioners in veterinary medicine or to the use of any drugs by any registered physician, dentist or practitioner in veterinary medicine in the regular course of his practice.

(3) The drugs to which this section applies are:

- | | |
|---|--|
| (a) cocaine; | (m) paregoric; |
| (b) eucaïne; | (n) laudanum; |
| (c) codeine; | (o) ergot; |
| (d) opium; | (p) all preparations similar to or containing any of the drugs mentioned in this subsection or all salts and derivatives of any of the said drugs; |
| (e) morphine; | (q) any other drug or drugs declared by the Commissioner by regulation published in the Newfoundland Gazette to come under the provisions of this section. |
| (f) heroin; | |
| (g) chloral hydrate; | |
| (h) barbituric acid; | |
| (i) sulphanilamide (para-amino-benzine-sulphonamide); | |
| (j) sulphapyridine; | |
| (k) sulphathiazole; | |
| (l) sulphaguanidine; | |

(4) The provisions of this section shall not apply to any ointment or other preparation containing any of the drugs set out in subsection (3) hereof where such ointment or other preparation is intended for external use only.

(4A) The Commissioner may by regulation published in the Newfoundland Gazette, exempt from the operation of all or any of the provisions of Sections 410, 411 and 412 of this Act, any of the drugs set out in subsection (3) of this section, either absolutely or when contained in a mixture with other active drugs in proportions fixed by such regulation. No. 34/1946, Sec. 1.

(5) Any person contravening the provisions of this section shall be guilty of an offence and upon summary conviction shall be liable to a fine not exceeding Five hundred dollars or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

Repeal Sec. 411; possession of certain drugs for sale.

2. Section 411 of the Health and Public Welfare Act, 1931, is hereby repealed and the following substituted therefor:

411.—(1) No person other than a registered physician, dentist or practitioner in veterinary medicine, registered pharmacist or druggist shall have in his possession any of the drugs mentioned in subsection (3) of Section 410 of this Act.

(2) The possession of any of the drugs referred to in the preceding subsection by any person except a registered physician, dentist or practitioner in veterinary medicine, registered pharmacist or druggist, shall be prima facie evidence of an intent to sell, give or otherwise dispose of the same.

(3) This section shall not apply to any person in possession of a drug supplied to him by the prescription of a person authorized to prescribe such drug by Section 410 of this Act.

(4) Any person contravening the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to the penalties provided for in Section 410 of this Act.

Repeal Sec. 412; prescriptions for certain drugs by physicians, etc.

3. Section 412 of the Health and Public Welfare Act, 1931, is hereby repealed and the following substituted therefor:

412.—(1) It shall be unlawful for any registered practitioner of medicine or dentistry to furnish or prescribe for the use of any person any of the drugs mentioned in subsection (3) of Section 410 of this Act, except to such persons as are under his care or for whom he in good faith, prescribes the same as necessary for their professional treatment and no practitioner of veterinary medicine shall prescribe the same for the use of any human being.

(2) Any written order or prescription made or given by any registered practitioner of medicine, dentistry or veterinary medicine in the course of the practice of his profession shall be dated and shall contain the name of the person for whom it is prescribed, or if ordered by a practitioner of veterinary medicine shall state the kind of animal for which it is ordered and such prescription shall be signed by the person making or giving such prescription or order.

(3) Such written order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the article ordered or prescribed. Any prescription containing any of the drugs, or salts or derivatives of drugs, listed in subsection (3) of Section 410 of this Act, or in subsequent regulations under Section 410 of the Act shall not be again compounded or dispensed unless such second or subsequent compounding or dispensing shall have been ordered by the original prescriber in the original prescription and in no case later than three months after the issue of the original prescription. No copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall at all times be open to inspection by the prescriber, the Commissioner for Justice, the Commissioner for Public Health and Welfare or any person nominated in writing by either of the above mentioned Commissioners.

(4) Any person contravening the provisions of this section shall be guilty of an offence and upon summary conviction shall be liable to a fine not exceeding Five hundred dollars or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

Date of coming into operation.

4. This Act shall come into operation on the thirty-first day of March, A.D. 1945.

DEPARTMENT OF HEALTH

St. John's, Newfoundland

Published by Authority

By virtue of the powers vested in me under Section 410 of the Health and Public Welfare Act 1931, as enacted by Act No. 3 of 1945, and as amended by Act No. 34 of 1946, I hereby make the following Regulation.

Dated the 12th day of October, A.D. 1946.

J. C. PUDDISTER,
Commissioner for Public Health and Welfare

Regulation

1. The Drugs set out in the Schedule to this Regulation in the mixtures described in the said Schedule shall not be subject to the provisions of subsection (3) of Section 412 of the Health and Public Welfare Act, 1931, as enacted by Act No. 3 of 1945, to the extent that a prescription for any such mixture

may be compounded or dispensed more than once, unless such prescription contains the words "not to be repeated" or other words of like meaning, and provided that in no case shall any mixture be compounded or dispensed three months later than the date of the original prescription for any such mixture.

Schedule

- (a) Codeine when combined with other active drugs in a proportion not greater than four grains of codeine to the fluid ounce of mixture.
- (b) Codeine when combined with other active drugs in a tablet when the proportion of codeine in such tablet is not more than one quarter grain.
- (c) Paregoric, otherwise called tincture Opii Camphorata, when combined in a mixture with other active drugs.
- (d) Laudanum, otherwise known as tincture Opii, when combined in a mixture with other active drugs.
- (e) Dionin when combined with other active drugs in a proportion not greater than two grains of dionin to the fluid ounce of mixture.
- (f) Barbituric Acid and its derivatives and salts when combined in a mixture of other active drugs.

Gazetted October 22nd, 1946.

Summary of and Extracts from The Pharmacy Act

PREAMBLE

WHEREAS it is expedient and desirable both for public safety and public protection that the licensing of Pharmaceutical Chemists and the Educational standards of Pharmacy in Prince Edward Island be made to conform with the standards recognized and accepted elsewhere.

SECTION

- 1. Citation.
- 2. Pharmaceutical Association a body corporate.
- 3. Interpretation.
- 4. Membership.
- 5. General meeting of Association.
- 6. Council of the Association.
- 7. Powers and Duties of Council.
- 8. Vacancy in Council.
- 9. Board of Examiners.
- 10. Duties of the Secretary-Registrar.
- 11. Requirements for registration of Certified Clerks.
- 12. Requirements for registration of Pharmaceutical Chemists.
- 13. Qualifications for Pharmacists in Hospitals.
- 14. Additional requirements for registration.
- 15. Registration and annual fees.
- 16. Candidates failing examinations may be re-examined.
- 17. Retired persons may continue as members of Association.
- 18. (a) Assistant to a Pharmaceutical Chemist may be registered as Certified Clerk.
(b) Druggist active for ten years may be registered as Certified Clerk.
- 19. Certified Clerk to dispense prescriptions only under supervision.
- 20. Certificate to be displayed.
- 21. Copy of Prescription to be furnished.
- 22. Pharmacists must be licensed annually.

23. Executor, etc., may carry on the business for one year under management of Certified Clerk.

24. Act not to apply to medical Practitioners.

25. (1) It shall be unlawful for any person either as principal or as agent or employee of any person, to prepare, compound, dispense, or sell, or attempt to prepare, compound, dispense or sell, or have exposed for sale or keep open shop for retailing, compounding or dispensing any of the poisons, drugs and medicines named in Schedule A of this Act, or which may hereafter be added to such Schedule by authority of the Lieutenant-Governor-in-Council, upon the recommendation of the Council of the Association, and then only on the conditions therein set out, or advertise, sell, attempt to sell, keep or expose for sale or distribute in any manner whatsoever, any article for prevention of venereal diseases, or to assume or use the title Chemist and Druggist, or Chemist, or Druggist, or Pharmacist or the plural of any such words of like import, or use any sign, title or advertisement, either in or about such place of business, or in any newspaper or otherwise, implying or calculated to lead people to infer that he is authorized under this Act to carry on such business, unless such person shall be registered as a Pharmaceutical Chemist, and shall hold a certificate thereof under this Act, or in any case of a person, co-partnership or body corporate at such time is duly registered and licensed in respect of such shop, store or premises, and the business therein being conducted under Section 22 hereof, and is at such time conducting such business in accordance with the terms of the said license.

Provided that nothing in this section shall apply to prevent any person duly registered as a Pharmacist in a Hospital or Hospital Assistant under proper supervision while on the staff of a recognized hospital from compounding or dispensing within the Hospital drugs for medical purposes.

Provided further, that this section shall not apply to, nor prevent the sale of any such articles by wholesale in market packages, or of any of the articles defined as proprietary or patent medicines by Chapter 151 of the Revised Statutes of Canada, 1927, by wholesale or retail.

And further provided, however, that this section shall not apply so as to prevent any person registered as a Certified Clerk, while in the employment of a Pharmaceutical Chemist or of a person, co-partnership or body corporate registered hereunder, from compounding, or dispensing prescriptions of duly qualified practitioners, or from selling the poisons, drugs, or medicines included in Schedule A to this Act, or such as may be from time to time added thereto.

(2) Every laboratory in which drugs and medicines are compounded for sale, either by retail or wholesale, shall be under the superintendence of a Pharmaceutical Chemist.

(3) No person shall sell any poison named in Schedule A either by wholesale or retail, unless the box, bottle, vessel wrapper or cover in which the poison is contained is distinctly labeled with the name of the article and the word "poison" and if sold by retail then also with the name and address of the proprietor of the establishment in which such poison is sold, and no person shall sell any poison mentioned in Schedule A to any person unknown to the seller; provided, however, that nothing contained in this section shall apply to the compounding or dispensing of physicians', dentists', or veterinary surgeons' prescriptions containing any of the poison mentioned in Schedule A.

26. (1) Council may by resolution request Lieutenant-Governor-in-Council to change Schedule A.

(2) Act not to apply to sale of insecticides.

27. Name of any person convicted of offence re sale or use of alcohol or opium, etc., may be removed from register.

28. (1) Penalties for violations of Act.

(2) Information to be laid by member of Association.

(3) Certificate under hand of Registrar and under Seal to be received in evidence.

- (4) In prosecution, onus on accused to show he has complied with this Act.
- (5) Person selling in violation of Act unable to recover charges.
- (6) Council and members not liable.
29. Council may accept Certificate of other Examining Board, etc., as evidence of qualification of Chemist or Clerk.
30. Act to come into force on Proclamation.
31. Act repealed.

(PHARMACY ACT)

SCHEDULE A

Part I

Substances that may be dispensed or sold only by registered pharmaceutical chemists and by them only on prescriptions.

All substances included in Part I of the Schedule of the Opium and Narcotic Drug Act of Canada.

Apiol and its preparations.

Barbitone, Soluble Barbitone, Pento-barbitone and their preparations, whether sold under such names or under any other name or trade mark or designation.

Codeine and its compounds and preparations, with such exceptions as

are provided by the Opium and Narcotic Drug Act.

Ergot and its preparations.

Sulphanilamide, Sulphapyridine and their chemically related compounds and preparations thereof.

Penicillin, Streptomycin and all other antibiotics, except as provided by the Food and Drug Act of Canada.

Thyroid, Thyroxin and their salts.

Part II

Substances that may be sold only by registered pharmaceutical chemists by whom a record of sale or delivery shall be kept in a poison or other register. Provided however that when such substances are ordered by or on the prescription of a registered physician, dental or veterinary surgeon, it shall not be necessary to record the sale.

Cantharides and its tincture and vinegar.

Carbolic Acid, pure and crude.

Chloroform.

Croton Oil.

Cyanide of potassium and all other cyanides.

Digitalis and its preparations.

Essential oil of almonds.

Essential oil of mustard.

Ether.

Mercuric Chloride.

Nux Vomica, and its preparations.

Procaine and other substitutes for cocaine.

Strychnine and its salts.

Flavouring Extracts containing over 10% Alcohol by volume.

Isopropyl Alcohol and its compounds.

Methyl Hydrate.

Potassium Permanganate.

Part III

Substances that may be sold only by registered pharmaceutical chemists.

Acids: nitric, and sulphuric; salicylic, and its compounds.

Acetanilid.

Aloes and its preparations.

Antikamnia and its preparations.

Antimony and its compounds.

Aristol and similar compounds.

Bismuth and its preparations.

Caffein and its compounds and preparations.

Carbon bisulphide.

Cerium oxalate.

Chloral hydrate.

Croton chloral hydrate.

Colchicum and its preparations.

Elaterium.

Ephedrine and its compounds.	Podophyllin.
Guaiacol and its preparations.	Potassium Permanganate and other bromides.
Haifidene, black.	Potassium iodide and other iodides.
Ichthammol and similar substances.	Quinine and its compounds.
Ipecac and its preparations.	Resorcin.
Lead Acetate and its compounds and preparations.	Salicin.
Lobelia and its preparations.	Salol.
Menthol and its preparations.	Santonin.
Mercury and its compounds and preparations.	Scammony.
Oil of cedar, rue, savin, tansy and pennyroyal and their preparations.	Solution of nitroglycerin.
Oil of Mirbane.	Sparteïn and its preparations.
Oil of wintergreen.	Stramonium and its preparations.
Paraldehyde.	Strontium, its compounds and preparations.
Phenacetin.	Strophantus and its preparations.
Phenobarbital and phenobarbitone.	Sulphonal.
Phenazone whether labelled as such or under a proprietary or trade name.	Trional.
Phenolphthaleïn and compounds and preparations containing it.	Zinc. All poisonous compounds and preparations.
Phosphorus.	All poisonous vegetable alkaloids and their salts.
Pink Root.	All fluid extracts and tinctures of the British and United States Pharmacopœias.

Summary of and Extracts from The Nova Scotia Pharmacy Act

SECTION

1. Short title.
2. Interpretation.
3. Society to be body corporate.
4. May hold real estate.
5. Establishment of Council.
6. Election of officers.
7. Power of Council re real estate.
8. Power of Council to make by-laws.
9. Board of Examiners.
10. Duties of Board Examiners.
11. Classes of Examinations.
12. Evidence of moral character of candidates.
13. Examinations and qualifications.
14. Fees for registration.
15. Annual fees.
16. Medical practitioner entitled to be registered.
17. Register of members.
18. No one but member shall sell drugs except as in schedule.
19. Only member may compound drugs.
20. License to be displayed in shop.
21. (1) No person whether proprietor or employee shall sell or attempt to sell, or expose for sale, or dispense or compound for sale, or keep open shop for selling, dispensing or compounding poisons, drugs or medicines or sell or keep for sale or attempt to sell any of the articles mentioned in Schedule A of this Chapter or which may be hereafter added to Schedule A by authority of the Governor-in-Council upon the recommendation of the Council unless such sale is expressly authorized in said Schedule A, and then only upon the conditions therein set out, or assume to use the title of chemist and druggist, or chemist or

druggist, or pharmacist or pharmaceutist or pharmaceutical chemist or apothecary or dispensing chemist or dispensing druggist, or any sign, title or advertisement implying or calculated to lead people to infer or believe that he is a pharmaceutical chemist registered under this Chapter, or shall call his place of business "drug store," or "pharmacy" in any part of the Province of Nova Scotia, unless such person is registered as a pharmaceutical chemist under this Chapter, and is the holder of a certificate of registration as a pharmaceutical chemist under the provisions of this Chapter, for the time during which he is selling or keeping open shop for selling, dispensing or compounding poisons, drugs or medicines, or assuming or using such titles; provided that the provisions of this section respecting selling, dispensing or compounding shall not apply to certified clerks as defined by this Chapter while acting as such in the employ of pharmaceutical chemists. Nor shall this section prevent any person not registered under this Chapter from selling or keeping for sale aspirin tablets in sealed packets, carbolic acid in sealed bottles, tincture of iodine in sealed bottles, quinine tablets and formaldehyde for treating seed-grain, and for disinfecting purposes, in any polling district which is not within the limits of a city or incorporated town, or in which there is no registered pharmaceutical chemist carrying on business.

(2) Corporation deemed to be person.

(3) Widow may continue business under supervision of chemist.

22. (1) No person whether proprietor or employee shall sell any poison named in Schedule A to this Chapter, or which may hereafter be added thereto under the next section of this Chapter, which poison said Schedule A expressly declares may only be sold by a registered pharmaceutical chemist who shall record each such sale in the poison register, either by wholesale or retail, unless the box, bottle, vessel, wrapper or cover in which the poison is contained is distinctly labelled with the name of the article and the word "poison" and if sold by retail then also with the name and address of the proprietor of the establishment in which such poison is sold and unless on every sale of any such article the person actually selling the same, shall before delivery, make an entry in a book to be kept for that purpose in the form set out in Schedule B to this Chapter, hereinafter called the register of poisons, attesting the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signature of the purchaser and of the person actually selling the same shall be affixed. For the purposes of this section the act or omission of the person actually selling shall be deemed as well the act or omission of his employer, and the prosecution of or recovery against one shall not be a bar to the prosecution of or recovery against the other; but the provision of this section shall not apply to sales by wholesale to retail dealers in the ordinary course of wholesale dealing, nor to any articles when forming part of the ingredients of any medicine dispensed by a pharmaceutical chemist, certified clerk or duly qualified medical practitioner.

(2) Register to be available.

23. Amendments to schedule.

24. (1) Nothing in this Chapter shall prevent any person whatever, from selling goods of any kind to any duly qualified medical practitioner, dentist or veterinary surgeon, nor shall prevent the members of such professions supplying to their patients such medicines as they may require. Every laboratory in which drugs and medicines are compounded for sale either by retail or wholesale, and the shipping or delivery of poisons, dangerous drugs or medicines from any wholesale warehouse, shall be under the personal superintendence of a registered pharmaceutical chemist.

(2) Nothing in this Chapter shall prevent the sale of the articles commonly known as patent medicines provided that such articles do not contain any of the drugs contained in Schedule A to this Chapter. 1912, c. 11, s. 24; 1917, c. 57, s. 3; 1940, c. 22, s. 7.

25. No person shall wilfully or knowingly sell any article under the pretense that it is a particular drug or medicine, which it is not in fact, and any person so doing, besides any other penalties to which he may be liable, shall be subject to the penalties prescribed by Section 27 of this Chapter. 1912, c. 11, s. 25.

26. Onus on defendant to prove entitlement of Act.

27. Penalties.

28. Patient entitled to copy of prescription.

29. Name of person convicted re alcohol or narcotics may be removed from register.

30. Person selling in violation of Act cannot recover charge.

31. By-laws.

SCHEDULE A

Part I

Acids: muriatic, nitric and sulphuric.	Oil of cedar, rue, savin, tansy and pennyroyal and their preparations.
Acid salicylic and its compounds.	Oil of mirbane.
Acid acetylsalicylic, labelled as such or under any proprietary or trade name.	Oil of wintergreen.
Acetanilid.	Paraldehyde.
Aloes and its preparations.	Phenacetin.
Antimony and its compounds.	Phenazone whether labelled as such or under a proprietary or trade name.
Aristol and similar compounds.	Phenolphthalein and compounds and preparations containing it.
Barbitone, Phenobarbitone and other compounds of barbituric acid and their preparations whether sold under their chemical names or under any other names or trade marks or designations.	Phosphorous.
Bismuth and its preparations.	Pink Root.
Caffein and its compounds and preparations.	Podophyllin.
Carbon bisulphide.	Potassium bromide and other bromides.
Cerium oxalate.	Potassium iodine and other iodides.
Chloral hydrate.	Potassium permanganate and other permanganates.
Croton chloral-hydrate.	Quinine and its compounds.
Colchicum and its preparations.	Resorcin.
Creolin and similar compounds.	Salicin.
Creosote.	Salol.
Elaterium.	Santonin.
Ephedrine and its compounds.	Scammony.
Formaldehyde.	Solution of nitroglycerin.
Guaiacol and its preparations.	Sparteine and its preparations.
Henbane and its preparations.	Stramonium and its preparations.
Hellebore.	Strontium and its preparations.
Ichthammol and similar substances.	Strophanthus and its preparations.
Iodine and its preparations.	Sulphonal.
Ipecac and its preparations.	Trional.
Lead, all poisonous compounds and preparations.	Zinc, all poisonous compounds and preparations.
Lobelia and its preparations.	All poisonous vegetable alkaloids and their salts.
Menthol and its preparations.	All fluid extracts and tinctures of the British and United States Pharmacopoeias.
Mercury and its compounds and preparations.	

Part II

The following substances may be sold only by a registered pharmaceutical chemist, or by a certified clerk in his employ and by them only upon compliance with the conditions prescribed by section 22 subsection (1) of this Chapter.

Provided however that when such substances are ordered by or on the prescription of a duly qualified medical practitioner, dentist or veterinary surgeon, it shall not be necessary to record the sale:

Acid hydrocyanic.	Cyanide of potassium and all other cyanides.
Aconite and its preparations.	Digitalis and its preparations.
Arsenic and all compounds thereof.	Essential oil of almonds.
Atropine and its salts.	Essential oil of mustard.
Belladonna and its preparations except emplastrum.	Ether.
Cantharides and its preparations.	Mercuric chloride.
Carbolic acid, pure or crude.	Nux Vomica and its preparations.
Chloroform.	Procaine and other substitutes for cocaine.
Croton Oil.	Strychnine and its salts.

Part III

The following substances may be dispensed or sold only by a registered pharmaceutical chemist, or a certified clerk in his employ and by them only on prescription of a duly qualified medical practitioner, dentist or veterinary surgeon:

All substances included in Part I of the Schedule of the Opium and Narcotic Drug Act of Canada.	Dinitrophenol and chemically related compounds.
Pentobarbitone and its compounds and preparations whether sold under their chemical names or under any other names or trade marks or designations.	Ergot and its preparations.
Cinchophen and chemically related compounds.	Sulphanilamide, Sulphapyridine and their chemically related compounds, and preparations thereof, whether sold under their chemical names or any other names or trade marks or designations.
Codeine and its compounds and preparations.	

Part IV

The following substances may be sold for agricultural or veterinary purposes by persons not registered under the provisions of this Chapter upon condition that such substances are sold in well secured packages, distinctly labelled with the name of the article and marked "poison".

Arsenate of lead.	London Purple.
Arsenite of lead.	Nicotine sulphate.
Creolin and other cresol compounds	Paris Green.
Hellebore.	

SCHEDULE B

Register of Sale of Poisons

Date	Name of Purchaser	Address	Article Sold
Quantity	Purpose for which Sold	Signature of Purchaser	Signature of Person Actually Selling

The New Brunswick Pharmaceutical Consolidation Act 1938

SECTION

1. "The New Brunswick Pharmaceutical Consolidation Act, 1938."
2. Interpretation.
3. Body Corporate.
4. Membership.
5. Meeting and Quorum.
6. Council and Officers.
7. Board of Examiners.
8. Classes of Examination.
9. Prerequisite, Certified Clerk.
10. Prerequisite, Pharmaceutical Chemist.
11. Prerequisite, Hospital Assistant.
12. Prerequisite, Hospital Pharmacist.
13. Failure to Pass. Conditions of Re-examination.
14. Diploma and Registration.
15. Annual Fees.
16. Register and Notices.
17. Regulations for Conducting Business.
18. Compounding and Sale of Drugs and Poisons, etc.

(1) It shall be unlawful for any person either as principal or as agent or employee of any other person, to prepare, compound, dispense, or sell, or attempt to prepare, compound, dispense or sell, or have exposed for sale or keep open shop for retailing, compounding or dispensing any of the poisons, drugs and medicines named in Schedule A to this Act, or which may hereafter be added to such Schedule by authority of the Lieutenant-Governor-in-Council, upon the recommendation of the Council, or to assume or use the title Chemist and Druggist, or Chemist, or Druggist, or Pharmacist, or Pharmaceutist, or Apothecary, or Dispensing Chemist, or Druggist, or the plural or any such words of like import, or use any sign, title, or advertisement, either in or about such place of business, or in any newspaper or otherwise, implying or calculated to lead people to infer that he, or it, is authorized under this Act to carry on such business, unless such person shall be registered as a Pharmaceutical Chemist, and shall hold a certificate thereof under this Act, or, in the case of a person, co-partnership or body corporate at such time is duly registered and licensed in respect of such shop, store or premises, and the business therein being conducted, under Section 17(3) hereof, and is at such time conducting such business in accordance with the terms of the said license. 1923, c. 14, s. 21(1) *am.*

Provided that nothing in this section shall apply to prevent any person duly registered as a Hospital Pharmacist or Hospital Assistant under proper supervision while on the staff of a recognized hospital from compounding or dispensing within the hospital drugs for medicinal purposes; or in a recognized hospital of fifty beds or less, to prevent any graduate nurse employed therein from compounding or dispensing drugs within said hospital under the direction of a duly qualified physician on the staff thereof. (New).

Provided, further, that this section shall not apply to, nor prevent the sale of any such articles by wholesale in market packages, or of any of the articles defined as proprietary or patent medicines by Chapter 151 of the Revised Statutes of Canada, 1927, by wholesale or retail. 1923, c. 14, s. 21(2) *am.*

And further provided, however, that this section shall not apply so as to prevent any person registered as a Certified Clerk, while in the employment of a Pharmaceutical Chemist, or of a person, co-partnership or body corporate registered hereunder, from compounding or dispensing prescriptions of duly

qualified practitioners, or from selling the poisons, drugs or medicines included in the Schedule to this Act, or from time to time added thereto. 1923, c. 14, s. 21(3).

(2) Nothing in this Act contained shall permit any person who is not a Pharmaceutical Chemist to carry on business as such under or by virtue of the registration of any physician unless such physician shall personally supervise the compounding of drugs in the place of business carried on by him. 1923, c. 14, s. 21(6).

(3) Every laboratory in which drugs and medicines are compounded for sale, either by retail or wholesale, shall be under the personal superintendence of a Pharmaceutical Chemist. 1923, c. 14, s. 21(7).

(4) No person shall sell any poison named in Schedule A either by wholesale or retail, unless the box, bottle, vessel, wrapper or cover in which the poison is contained is distinctly labelled with the name of the article and the word "Poison", and if sold by retail then also with the name and address of the proprietor of the establishment in which such poison is sold, and no person shall sell any poison mentioned in Schedule A to any person unknown to the seller; and on every sale of any article named in Part One of said Schedule, the person selling the same shall, before delivery, make an entry in a book to be kept for that purpose in the form set forth in Schedule B to this Act, stating the date of sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is stated by the purchaser to be required; provided, however, that nothing contained in this section shall apply to the compounding or dispensing of physicians' or veterinary surgeons' prescriptions, containing any of the poisons mentioned in Schedule A.

19. Regulation of Poison Schedule.

20. Penalties for Violation of Act.

20a. Disciplinary Powers.

21. By-laws.

22. Right to Appeal to Governor-in-Council (Repealed).

23. Repeal.

SCHEDULE A

Part I

Acids—Carbolic, Hydrocyanic.	Mercury and all poisonous compounds thereof, including Corrosive Sublimate, Red and White Precipitate.
Amidopyrine and all its salts and derivatives.	Methyl Hydrate.
Arsenic and Preparations thereof.	Nembutal and Compounds.
Barbitone.	Nux Vomica and Preparations thereof.
Barbituric Acid and its compounds and derivatives.	Oil of Wintergreen.
Benzedrine and its salts.	Ortal—Sodium.
Chloral Hydrate, Cyanide of Potash and other Cyanides.	Paraldehyde.
Chloroform.	Phenobarbital and Compounds.
Cinchophen and Neo-Cinchophen.	Strychnia and its Salts and Preparations.
Conium and Preparations thereof.	Sulfanilimide and all its salts and derivatives.
Dilantin-Sodium.	Thyroid.
Ephedrine.	Thyroxine and its salts.
Ergot and Preparations thereof.	Veratia and all poisonous vegetable Alkaloids and their Salts.
Ether.	

Part II

Acids—Nitric, Oxalic.	Amyl Nitrate.
Acid Muriatic—Cantharides and its Tincture.	Antimony, Tartrate of.
Aconite and Preparations thereof.	Belladonna and Preparations thereof.
	Carbon Bisulphide.

Chloretone.	Lead Salts.
Chloride of Zinc—Colchicum and Preparations thereof.	Phosphorous.
Creosote.	Pink Root.
Croton Oil and Seeds.	Podophyllin.
Digitalis and Preparations thereof.	Potassium Hydroxide.
Elaterium.	Potassium Bichromate.
Essential Oils of Bitter Almonds, Cedar Savin, Rue and Tansy.	Potassium Permanganate.
Goulard's Extract of Lead.	Santonine.
Hellebore.	Scammony—St. Ignatius Bean.
Henbane and Preparations thereof.	Silver Nitrate.
	Stramonium and Preparations thereof.
	Zinc Salts.

SCHEDULE B

Date	Name of Purchaser	Name and Quantity of Poison Sold	Purpose for which it is required	Address Purchaser

CHAPTER 260

Cocaine and Morphine Sales Act—Quebec

AN ACT to Regulate the Sale of Cocaine, Morphine and their Compounds.

Short title.

1. This act may be cited as the *Cocaine and Morphine Sales Act*. R.S. 1925, c. 187, s. 1.

Sale, etc., prohibited.

2. No one shall sell, give or deliver cocaine, alpha or beta eucaine, morphine or heroin, or any salt, compound or derivative of such substances, or any preparation containing such substances or their salts or derivatives, except to the following persons:

Authorized buyer.

1. A wholesale dealer, a duly licensed druggist, a duly registered practising physician, a duly licensed practising veterinary surgeon or veterinary, or a duly licensed practising dentist, who shall have previously ordered the same in writing:

Physicians prescription.

2. The holder of a prescription of a practising physician duly registered as a member of the College of Physicians and Surgeons of the Province of Quebec, or of a duly licensed practising dentist. R.S. 1925, c. 187, s. 2.

Buyer's identity.

3. No one shall sell, give or deliver any of such substances, compounds or preparations to any person mentioned in paragraph 1 of section 2, unless such person be identified by some person known to the seller.

Label.

At the time of such sale, gift or delivery, the person who sells, gives or delivers, shall affix to the bottle, box, vessel or package containing the article so sold, given, or delivered, and upon the outside wrapper of the package as put

up by the manufacturer, a label upon which the word "poison" is written in red ink and which distinctly displays the name and quantity of the article in question, and the name and place of business of the supplier.

Inspection of order.

The written order mentioned in paragraph 1 of section 2 shall at all times be open to the inspection of the coroner of the district, or of any justice of the peace of the district or municipality, or of any person authorized by such coroner, or justice of the peace, in writing. R.S. 1925, c. 187, s. 3.

Druggist.

4. In the case of paragraph 2 of section 2 the prescription shall be dispensed only by a druggist duly licensed in pursuance of the Quebec Pharmacy Act (Chap. 267).

Physician prescription.

The prescription shall bear the date on which it was made, and shall mention the name in full and address of the person for whom the medicine is prescribed, shall be permanently kept on file by the person who has dispensed it, and shall at all times be open to the inspection of the prescriber, or of the coroner of the district, or of a justice of the peace for the district or municipality, or of any person authorized in writing by such coroner or justice of the peace.

Dispensing.

It shall be dispensed once only, and no copy thereof shall be given to any person. R.S. 1925, c. 187, s. 4.

Delivery of medicine by physician, etc.

5. This Act shall not apply:

1. To the delivery, as a medicine, of any substance, compound or preparation by any registered physician or duly licensed practising dentist, to or in behalf of a person upon whom such physician or such dentist is in professional attendance, provided that the bottle, package or other receptacle containing such medicine clearly mentions upon the outside the intervals of time at which such medicine is to be taken and how much is to be taken at one time;

2. To paregoric or to any other medicine containing not more than one-third of a grain of morphia or of heroin to the ounce, provided that the bottle, package or other receptacle containing such medicine complies with the requirements of paragraph 1 of this section. R.S. 1925, c. 187, s. 5.

Special register.

6. At the time of each sale, gift or delivery in pursuance of section 2, the person who sells, gives or delivers, shall before delivery, make or cause to be made, in a special register, not being the register prepared in accordance with section 20 of the Quebec Pharmacy Act (Chap. 267), an entry setting forth the particulars mentioned in Form 1.

Inspection.

Such register shall at all times be open to the inspection of the secretary-registrar of the Pharmaceutical Association of the Province of Quebec, of the coroner of the district, of any justice of the peace of the district or of the municipality, or of any person authorized in writing by such coroner or justice of the peace. R.S. 1925, c. 187, s. 6.

Possession of cocaine, etc.

7. No one shall have in his possession or in any premises under his control, any substance to which the prohibitions enacted by this act apply, unless he be:

1. The manufacturer of such substances or one of the persons mentioned in paragraph 1 of section 2; or

2. A person who has obtained the same under a prescription in accordance with paragraph 2 of section 2; or

3. A person who has obtained the same from a physician or a duly licensed practising dentist in accordance with paragraph 1 of section 5. R.S. 1925, c. 187, s. 7.

Information upon oath.

8. Any judge of the sessions of the peace, police magistrate, district magistrate, recorder or justice of the peace, who is satisfied by information upon oath according to form 2, that there is in any building, receptacle or place,—

1. Anything upon or in respect to which any offence against this act has been or is suspected to have been committed; or

2. Anything which there is reasonable ground to believe will afford evidence as to the commission of any such offence; or

Search warrant.

3. Anything there is reasonable ground to believe is intended to be used for the purpose of committing any such offence,—may, at any time, issue a warrant under his hand, authorizing some constable or other person named therein, to search such building, receptacle or place for any such thing, and seize and carry it before the judge, magistrate or justice issuing the warrant or some other such judge, magistrate or justice. Every such search warrant may be executed by day or by night and may be according to form 3, or to the like effect. When any such thing is seized and brought before a judge, magistrate or justice as aforesaid, he may detain it for the purposes of trial. R.S. 1925, c. 187, s. 8.

Employer's responsibility.

9. For the purposes of this act, the proprietor, on whose behalf a sale, gift or delivery is made by a clerk, apprentice or other person in his employ, shall be deemed to be the person who makes the sale, gift or delivery, without prejudice, however, to the liability of such clerk, apprentice or other person. R.S. 1925, c. 187, s. 9.

Penalties.

10. Every person committing any infraction of any of the provisions of this act shall, on conviction thereof before a judge of the sessions of the peace, police magistrate, district magistrate, recorder or two justices of the peace, of the place where the offence was committed, be liable, for the first offence to a fine of not less than fifty nor more than two hundred dollars, and in default of payment to imprisonment for not less than one month nor more than three months, or to imprisonment for not less than one month nor more than three months, or to both such fine and imprisonment; and for every subsequent offence to a fine of not less than two hundred nor more than five hundred dollars, and in default of payment to imprisonment for not less than three months nor more than six months, or to imprisonment for not less than three months nor more than six months, or to both such fine and imprisonment; the whole with costs.

Confiscation, etc.

In rendering a judgment of conviction, the magistrate may order the confiscation and destruction of any substance to which section 2 applies and as to which an offence against any provision of this act has been committed. R.S. 1925, c. 187, s. 10.

Procedure.

11. The provisions of the Quebec Summary Convictions Act (Chap. 29) shall apply to prosecutions taken under this act. R.S. 1925, c. 187, s. 11.

Provisions not to apply.

12. The provisions of section 5 of the Quebec Pharmacy Act (Chap. 267) shall not apply to the substances to which section 2 is applicable. R.S. 1925, c. 187, s. 12.

FORM

1.—(Section 6)

Cocaine, Morphine, etc.—Register

Name of vendor.....on each page

Date	Quantity	Name of Drug	Form in which sold	Name of Purchaser	Profession, etc., of Purchaser	Address of Purchaser	Whether given on prescription	Signature of person making entry

R.S. 1925, c. 187, form 1.

2.—(Section 8)

Information to obtain a Search Warrant

Canada,
Province of Quebec,
District of

}

The information of A. B., of _____ in the said district of _____
(*occupation*), taken this _____ day of _____
before me J. S., justice of the peace in and for the said district (*or as the case may be*), who says (*describe the things to be searched for and the offence in respect of which search is made*) and that he has reasonable cause to suspect and suspects that the said articles or some part of them are concealed in the (*dwelling-house, etc.*) of C. D., of _____, in the said district (*here add the causes of suspicion whatever they may be*).

Wherefore he prays that a search warrant be granted to him to search the (*dwelling-house, etc.*) of the said C. D., as aforesaid, for the said articles concealed as aforesaid.

Sworn before me the day and year first above mentioned at _____,
in the said district of _____

J. S.

J. P. (*name of district*)

R.S. 1925, c. 187, form 2.

3.—(Section 8)

Search Warrant

Canada,
Province of Quebec,
District of

}

Whereas it appears on the oath of A. B., of _____, that there is reason to suspect that (*describe the things to be searched for and the offence in respect of which search is made*) are concealed in _____ at _____

This is therefore to authorize and require you to enter between the hours of (*as the justice shall direct*) into the said premises and to search for the said things and to bring the same before me or some other justice.

Dated at _____, in the district of _____, this _____ day of _____, 19 _____

J. S.

J. P. (*name of the district*).

R.S. 1925, c. 187, form 3.

Narcotic Act—Quebec

CHAPTER 259

AN ACT respecting Sale of Narcotics

Short title.

1. This Act may be cited as the *Quebec Narcotics Act*. R.S. 1925, c. 41, s. 1.

"Narcotic"

2. The word "narcotic", for the purposes of this act, means the following substances, whether alone or in conjunction with others:

Cocaine:

1. Cocaine or any of its salts, preparations or compounds;

Morphine:

2. Morphine or any of its salts or compounds;

Opium:

3. Opium or its preparations or all opium alkaloids, or their salts or preparations; the word opium including crude opium, powdered opium and opium prepared for smoking;

Eucaïne.

4. Eucaïne or any of its salts or compounds. R.S. 1925, c. 41, s. 2.

"Sell", "Sale".

3. When it applies to a transaction prohibited by section 7 of this act respecting narcotics, the word "sell" includes soliciting or taking an order; keeping or exposing for sale; delivering for a consideration or gratuitously; peddling; possessing with intent to sell; dealing in; and for any consideration whatsoever promised or obtained directly or indirectly or under any pretext or means whatever, procuring for another person or allowing him to procure;—and the word "sale" means the act of selling as above defined. R.S. 1925, c. 41, s. 3.

Right to sell.

4. No person, excepting physicians, surgeons, pharmacists, dentists or veterinary surgeons, may sell any narcotic without having obtained a license from the Provincial Treasurer. R.S. 1925, c. 41, s. 4.

License.

5. Such license shall be granted by the Provincial Treasurer upon payment of the sum of twenty-five dollars, if it be shown to him that the person applying therefor is entitled thereto, under the laws mentioned in section 6. Such license shall be valid as long as it has not been cancelled. R.S. 1925, c. 41, s. 5.

Cancellation.

6. The Provincial Treasurer shall cancel the license granted to any person, if such person, upon prosecution, be found guilty of having sold any narcotic to any person whomsoever, in contravention of the laws of Canada or any other law under which such person is authorized to sell one or more narcotics.

Restoration.

The Provincial Treasurer may restore the license into force after such lapse of time as he may deem proper, following a conviction for a first offence, but the cancellation of the license for a subsequent offence shall be final. R.S. 1925, c. 41, s. 6.

Sale by unauthorized person.

7. Any person, except physicians, surgeons, pharmacists, dentists or veterinary surgeons who sells narcotics without the license provided for by this act, shall be liable to a fine of one thousand dollars and to imprisonment for six months, and, upon failure to pay the fine and costs, to imprisonment for a further period of six months. R.S. 1925, c. 41, s. 7.

Offence by physician, etc.

8. Every physician, surgeon, pharmacist, dentist or veterinary surgeon, convicted of having given, sold, furnished, prescribed or administered any narcotic in contravention of the laws of Canada or of any law of the Province, respecting narcotic drugs or narcotics, shall be *ipso facto* deprived of the right to practise his profession for at least one year. R.S. 1925, c. 41, s. 8.

Provisions to apply.

9. Part I of the Quebec Summary Convictions Act (Chap. 29) shall apply to the proceedings instituted under this act. R.S. 1925, c. 41, s. 9.

Carrying out of Act.

10. The Provincial Treasurer shall have charge of the carrying out of this act. R.S. 1925, c. 41, s. 10.

Summary of and Extracts from an Act Respecting the College of Pharmacists of the Province of Quebec

SECTION

1. Short Title
2. Interpretation and Definitions
3. Corporate Powers of the College
- 4 to 7. Council of College Powers and Duties
- 8 to 9. Licentiate of Pharmacy
- 10 to 11. Board of Examiners and Examinations
- 12 to 13. Secretary-Registrar and Duties
- 14 to 18. Duties and Obligations of Licentiates

Poisons.

19. The several substances named or described in the schedule to this act are poisons within the meaning of this act.

Regulation.

The Council may, at any time, by regulation, declare that any substance named in such regulation shall be a poison within the meaning of this act.

Approval.

The Council shall submit such regulation to the approval of the Lieutenant-Governor in Council and, if it be approved, it shall come into force one month after the publication thereof in the *Quebec Official Gazette*, and the substances therein mentioned shall be considered as poisons within the meaning of the law.

Expert.

The Lieutenant-Governor in Council may, before giving his approval, cause to be ascertained, by an expert, at the expense of the Pharmaceutical Association of the Province of Quebec, whether the substances mentioned in the regulations are or are not poisons within the meaning of this act. R.S. 1925, c. 215, s. 19.

Label.

20. It shall be unlawful to keep or sell any of the poisons named in the said schedule, unless the box, bottle, vessel, wrapper or cover, in which such poison is contained, be distinctly labelled with the name of the article and the word "poison" and with the name and address of the seller of the poison.

Purchaser.

It shall be unlawful to sell any such poison to any person unknown to the seller, unless identified by some person known to the seller.

Record of sale.

On every sale of such poison, the seller shall, before delivery, make or cause to be made an entry in a book to be kept for that purpose, stating, in the form set forth in form 1, the date of the sale, the name and address of the purchaser, the name and the quantity of the poison sold, and the purposes for which it is stated by the purchaser to be required.

Signatures.

The signature of the purchaser, and, if any person introduces the purchaser, the signature of such person, shall be affixed to such entry.

Register.

The book specified in this section for the purposes aforesaid shall be called the "Poison Sales Register", and shall be open to inspection by the secretary-registrar at any time.

Prescriptions.

Nothing in this section shall apply to the compounding or dispensing of physicians' or veterinary surgeons' prescriptions containing any of the poisons mentioned in the said schedule. R.S. 1925, c. 215, s. 20.

Seller's qualifications.

21. No person shall keep open a shop for the retailing, dispensing or compounding of drugs or of the poisons enumerated in the schedule to this act, or sell or attempt to sell any drug or poison therein mentioned, or any medicinal preparation containing any of the said poisons, or engage in the dispensing of prescriptions, or use or assume the title of chemist and druggist, or druggist, or apothecary, or pharmacist, or pharmaceutist, or dispensing or pharmaceutical chemist, or any other title bearing a similar interpretation, within this Province, unless he be a physician registered as a member of the College of Physicians and Surgeons of the Province of Quebec or be registered in accordance with the provisions of this act as a licentiate of pharmacy. R.S. 1925, c. 215, s. 21.

Physicians.

22. Any physician, registered as a member of the College of Physicians and Surgeons of the Province of Quebec, may open a drug store provided he pays the fee required (of a licentiate of pharmacy) by section 14, without any prejudice to his privileges as a physician. R.S. 1925, c. 215, s. 22.

Quebec and Montreal.

23. Notwithstanding the provisions of section 22, no physician in the cities of Quebec or Montreal may become a druggist unless he ceases to practise as a physician and surgeon; but the present clause shall not apply to those physicians who were keeping drug stores on the 2nd of April, 1890 (the date of the coming into force of the act 53 Victoria, chapter 46). R.S. 1925, c. 215, s. 23.

Proprietor's name.

24. Every drug store shall be carried on under the name of the real proprietor thereof, who must be a licentiate of pharmacy or a duly registered physician and surgeon.

Penalty.

Any physician or licentiate of pharmacy, not being the real proprietor of a drug store, allowing his name to be used as being such proprietor, shall incur,

for each offence, the penalty hereinafter provided; and any person being the proprietor of a drug store, using or holding out to the public, contrary to the provisions of this act, the name of a licentiate of pharmacy, or of a duly registered physician and surgeon, as being the proprietor thereof, shall incur, for each offence, the penalty hereinafter provided, except in cases provided for by section 18. R.S. 1925, c. 215, s. 24.

Declaration.

25. Every person who opens, or acquires, a drug store in the Province, must make and forward to the secretary-registrar a declaration in writing under his signature, setting forth his name in full, occupation, and residence, the date of the opening or of the acquisition of such store, and the place where it is situated.

Delay.

Such declaration must be made within thirty days after the opening or the acquisition of such store.

Partnership.

In the case of a partnership, such declaration must contain the name in full, occupation and residence of each of the partners.

Change.

A similar declaration must be made and forwarded to the secretary-registrar within the same delay, every time any change or alteration takes place in the personnel of the partnership. R.S. 1925, c. 215, s. 25.

Assistants.

26. Any provision to the contrary in this act notwithstanding, any licentiate of pharmacy may employ such assistant pharmacist or students of pharmacy as he may deem necessary, to assist him in the duties of pharmacist; but no person shall employ any assistant or student for any such purpose, unless such assistant or student be registered in accordance with the provisions of this act. R.S. 1925, c. 215, s. 26.

Prescriptions.

27. No student of pharmacy shall dispense prescriptions, or sell any poison enumerated in the schedule to this act, nor shall any licentiate of pharmacy permit any student to so dispense or sell, unless such student be under the immediate supervision of a physician, or licentiate of pharmacy, or assistant pharmacist, during the time he dispenses prescriptions, or sells the aforesaid poisons. R.S. 1925, c. 215, s. 27.

Additional stores.

28. No person shall keep open more than one drug store in the Province, unless each additional or branch store be under the direct control and management of a registered physician or a licentiate of pharmacy. R.S. 1925, c. 215, s. 28.

Sales permitted.

29. Nothing in this act shall prevent the sale, by persons not registered in pursuance of this act, of Paris Green or London Purple, so long as said articles are sold in well secured packages, distinctly labelled with the name of the article and the name and address of the seller and marked "Poison". R.S. 1925, c. 215, s. 29.

Responsibility.

30. For the purposes of this act, the proprietor, on whose behalf any sale is made by any assistant, student or other employee, shall be deemed the seller, without prejudice however to any liability incurred by the persons mentioned in section 35. R.S. 1925, c. 215, s. 30.

Patent medicines.

31. 1. Nothing in this act shall extend to or interfere with or affect the making of or dealing in any patent or proprietary medicines.

Analysis.

2. If, however, there be any reason to apprehend that any such medicine contains any poison mentioned in the schedule, in such quantity as to render the use of the said medicine, in the doses prescribed, dangerous to health or life, the Minister of Health and Social Welfare may cause an analysis of such medicine to be made by an analyst or other competent person.

Notice.

3. If, on such analysis, it be reported by such analyst or other person that such medicine does contain any of the said poisons in such a quantity as to render its use in the doses prescribed, dangerous to health or life, the Minister of Health and Social Welfare shall give notice to the manufacturer or proprietor of such medicine, or to his agent or representative in this Province, of the result of such analysis, and in that case shall name a convenient time and place at which the manufacturer or proprietor may be heard before him, in opposition to the said report.

Report.

4. If the Minister of Health and Social Welfare be of opinion that the said medicine is, in the doses prescribed, dangerous as aforesaid, he shall report his opinion to the Lieutenant-Governor in Council and the report shall be subject to appeal to the Lieutenant-Governor in Council.

Publication.

5. The Minister of Health and Social Welfare shall submit to the Lieutenant-Governor in Council the report of the analysis and the objections, if any, made to the same by the manufacturer or proprietor, together with the report of the Minister of Health and Social Welfare thereon, and if the Lieutenant-Governor in Council approves of such report, notice shall be given in the *Quebec Official Gazette* and, after such notice, the provisions of this act with regard to poisons shall apply to such medicine, whether sold by persons registered in pursuance of this act or by others. R.S. 1925, c. 215, s. 31; 5 Geo. VI, c. 22, s. 16.

SECTION

- 32 to 42. Offences, Prosecutions and Penalties.
- 43 to 58. Board of Discipline, Powers, Duties and Jurisdiction.
- 59. Privileges of certain professions exempted from Act.
- 60. Restrictions on application of Act to Hospitals, Charitable Institutions, etc.

Summary of and Extracts from The Pharmacy Act
as amended by Chapter 64, R.S.O. 1951
(See Addendum Part VI)

SECTION

- 1. Ontario College of Pharmacy.
- 2. Powers as to real estate.
- 3. (1) Council Composition.
- (2) Powers.
- (3) Qualification.
- 4. (1) Electoral districts.
- 5. Election of members of Council.
- 6. Local qualification.
- 7. Resignations, vacancies.
- 8. President and officers.
- 9. Meetings of the Council.
- 10. Powers of Council as to school of instruction.
- 11. Fees of students and remuneration and duties of examiners.
- 12. Who may examine.

13. Qualification of candidates for certificates of competency.
14. Matriculation, requirements as to.
15. Register, how kept.
16. Who may be entered on register.
17. Power to make Regulations.
18. *Idem*. Diplomas from other societies.
19. Appeals, etc.
20. Certificate of registration.
21. (1) Registration and annual fees.
(2) Business to be managed by registered chemist.
22. Registered member only may act as pharmaceutical chemist.
23. (1) Cancellation of Registration.
(2) Suspension of Registration.
(3) Prohibition re engaging in business while registration cancelled or suspended.
(4) Appeal.
(5) Entry by registrar.
(6) Reinstatement by Council.
(7) No proceedings against Council.
24. Certificate to be publicly displayed.
25. Retirement from business.
26. Executors, etc., carrying on business of deceased chemist, etc.
27. Unless the label distinctly shows that the compound is prepared according to another formula, every compound named in the British Pharmacopoeia shall be prepared according to the formula directed in the latest edition published "by authority" until the College of Physicians and Surgeons of Ontario selects another standard and thereafter according to such standard. R.S.O. 1950, c. 276, s. 27.
28. No person shall,
 - (a) sell or keep open shop for retailing, dispensing or compounding poisons, drugs or medicines, except patent or proprietary medicines within the meaning of section 44, and except turpentine, Epsom salts, senna, alum, borax, castor oil, sulphur, Glauber's salt, cream of tartar, carbonate of soda, bi-carbonate of soda, glycerine, carbonate of magnesia, citrate of magnesia, Rochelle salts, blue stone, copperas, saltpetre, spirits of nitre, rhubarb root, solution of ammonia, phosphate of soda, gum camphor, quinine, hydrogen peroxide, or chloride of lime, or sell or attempt to sell any of the articles mentioned in Schedule C; or
 - (b) assume or use the title of "Chemist and Druggist", "or "Chemist", or "Druggist", or "Pharmacist", or "Apothecary", or "Dispensing Chemist", or "Dispensing Druggist", or use the designation "Drug Store", "Pharmacy", "Drugs" or "Medicines", or any sign, title or advertisement implying or calculated to lead the public to infer that he is registered under this Act, unless such person is registered under this Act and has a certificate under section 20. R.S.O. 1950, c. 276, s. 28.
29. Shops kept by incorporated companies must have majority of directions qualified and registered under Act.
30. (1) Nothing in this Act shall prevent the sale by persons not registered of Paris green, hellebore, tincture of iodine, arsenate of lead, carbolic acid, not exceeding a five per cent solution, formaldehyde and London purple, if such articles are sold in well secured packages distinctly labelled with the name and address of the person preparing or putting up such packages and marked "poison".

(2) A record shall be kept by the vendor in a book for that purpose of the name and address of each person to whom carbolic acid is sold. R.S.O. 1950, c. 276, s. 30.

31. Names and addresses of directors.

32. Articles in schedule C to be deemed poisons.

33. (1) No person or incorporated company shall sell any poison, either by wholesale or retail, unless the box, bottle, vessel, wrapper or cover in which the poison is contained is distinctly labelled with the name of the article and the word "poison", and if sold by retail, then also with the name and address of the proprietor of the establishment in which such poison is sold, and no person shall sell any poison or those which are in the first part of Schedule C, or may be added thereto under section 32, to any person unknown to the seller unless introduced by some person known to the seller, and on every sale of any such article the person actually selling the same shall, before delivery, make an entry (Form 3) in a book to be kept for that purpose, stating the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is stated by the purchaser to be required, and the name of the person who introduced him, to which entry the signature of the purchaser shall be affixed.

(2) In addition to the requirements of subsection 1, carbolic acid, above a five per cent solution, shall not be sold by retail except,

(a) in a glass bottle of light blue colour having six sides, the front being of plain surface, upon which the label shall be placed, and two opposite sides having blown on them the words "poison", "use with caution", and prominent points on the other portion of the surface thereof in such a manner as to render the bottle distinguishable to the touch from ordinary bottles; or

(b) in such other bottle as may be authorized by the Council from time to time by regulation approved of by the Lieutenant-Governor in Council; and

(c) subject to such other regulations as may be enacted by by-law of the Council approved of by the Lieutenant-Governor in Council.

(3) Nothing in this section shall apply to any article when forming part of the ingredients of any medicine prescribed by a legally qualified medical practitioner if the medicine is labelled with the name and address of the seller and the ingredients thereof are entered with the name of the person to whom it is sold or delivered in a book to be kept for that purpose. R.S.O. 1950, c. 276, s. 33.

34. (1) No person or incorporated company shall sell by retail any article mentioned in Schedule D except on a prescription for every sale signed by a legally qualified medical practitioner, dentist or veterinary surgeon, and no person or incorporated company shall give away any such article except to a legally qualified medical practitioner, dentist or veterinary surgeon.

(2) Amendment of Schedule D.

35. (1) The Minister of Health may require any medical practitioner, dentist, veterinary surgeon or pharmaceutical chemist, to report from time to time to the Minister or to the College the quantity of any article mentioned in Schedule D which he has purchased, sold or prescribed.

(2) Every pharmaceutical chemist shall keep a record of every article mentioned in Schedule D which he has purchased or sold, showing the date, the quantity, and the person from whom such article has been purchased or to whom it has been sold, and the name of the medical practitioner, dentist or veterinary surgeon upon whose prescription such article has been sold.

(3) The Minister may require the registrar of the College to report from time to time to him any information in the possession of the registrar or the College with respect to any article mentioned in Schedule D.

(4) Where it appears to the Minister that any medical practitioner, dentist, veterinary surgeon or pharmaceutical chemist has sold or prescribed an excessive, unreasonable or improper amount of any article mentioned in Schedule D, or has failed or neglected to make a proper and complete report as mentioned in subsection 1, the Minister may report such matter to the disciplinary body of the College of Physicians and Surgeons of Ontario, the Royal College of Dental Surgeons of Ontario, the Ontario Veterinary Association or the Ontario College of Pharmacy, as the case may be.

(5) Power to discipline.

(6) Appeal.

36. Inspection of books.

37. The prohibitions, restrictions and provisions in this Act as to selling poisons shall extend to exhibiting or offering for sale, or giving, furnishing or otherwise disposing of them. R.S.O. 1950, c. 276, s. 37.

38. Sale of incorrectly described drugs prohibited.

39. Penalties.

40. Onus of proof on defendant.

41. Price of articles sold contrary to this Act not to be recovered.

42. Act not to affect or interfere with qualified medical practitioners, etc. Rev. Stat. c. 228.

43. Sales to chemists, etc., not affected.

44. (1) Nothing in this Act shall interfere with or affect the making or dealing in any proprietary or patent medicine.

(2) The words "proprietary or patent medicine" in this Act shall have the meaning and be defined as in the Proprietary or Patent Medicine Act (Canada) R.S.O. 1950, c. 276, s. 44.

45. Honorary membership.

46. Division associations and electoral districts.

SCHEDULE C

(Sections 28, 32, 33)

Acid, Hydrocyanic (Prussic),	Eucaïne, and its salts or any admixture thereof,
Aconite, and preparations and compounds thereof,	Heroin,
Antimony, Tartrated (Tartar Emetic),	Indian Hemp,
Arsenic, and preparations and compounds thereof, except Paris Green,	Mercury Bichloride (Corrosive Sublimate),
Atropine,	Morphine, and its salts, or any admixture thereof,
Carbolic Acid, exceeding a five per cent solution,	Nux Vomica,
Chloral Hydrate,	Oil of Cedar,
Cocaine, and its salts or any admixture thereof,	Opium, including crude opium, powdered opium, or opium prepared or in course of preparation for smoking,
Digitalis,	Savin, and all preparations thereof,
Ergot, and preparations and compounds thereof,	Strychnine, and its salts,
	Veratrine.

Part II

Acetanilide (Antifebrin),	Belladonna, and preparations and compounds thereof,
Acid, Oxalic,	Calabar Beans,
Antimony, preparations of,	Cantharides,
Antipyrine,	

Chloroform,
 Columbian Spirits,
 Conium, and preparations thereof,
 Cotton Root, and preparations thereof,
 Cocculus Indicus (Fish Berry),
 Creosote,
 Croton Oil and Seeds,
 Elaterium,
 Ether,
 Euphorbium,
 Formaldehyde (Formalin),
 Goulard's Extract,
 Hyoscyamus, and preparations,
 Iodine, and preparations,
 Laudanum, but not paregoric,
 Mercury, and preparations,
 Oil of Bitter Almonds,
 Oil of Pennyroyal, and preparations,
 Oil of Tansy,

Phenacetin,
 Phosphorous in a free state,
 Pink Root,
 Podophyllin,
 (Resin Podophyllin),
 Potassium Bromide,
 Potassium Cyanide,
 Potassium Iodide,
 Rue, and all preparations,
 St. Ignatius Beans,
 Santonin,
 Sabadilla Seeds,
 Scammony,
 Sulfonal,
 Trional,
 Valerian,
 Verdigris,
 Zinc Sulphate.

R.S.O. 1950, c. 276, Sched. C.

SCHEDULE D

(Sections 34, 35)

Codeine and its salts in any form, except when combined with other medicinal ingredients and not exceeding one-half of one grain of codeine or its salts and not less than the amount set by the British Pharmacopoeia as a minimum dose of one of the other medicinal ingredients in each maximum dose of the combination, but where the combination contains two or more such ingredients having a similar action the minimum dose of each ingredient may be reduced to one-half the Pharmacopoeial dose where two ingredients are used and to one-third where three ingredients are used, and where the combination contains less than one-half of one grain of codeine or its salts in a maximum dose of the combination the minimum dose of such ingredients may be reduced in proportion to the reduction in codeine.

Amidopyrine and barbituric acid (malonylurea) and derivatives or chemical combinations, except when combined with other medicinal ingredients and not exceeding one-half of one grain of amidopyrine or barbituric acid or the said derivatives or combinations and not less than the amount set by the British Pharmacopoeia as a minimum dose of one of the other medicinal ingredients in each maximum dose of the combination and when the combination contains less than one-half of one grain of amidopyrine or barbituric acid or the said derivatives or combinations in a maximum dose of the combination the minimum dose of such ingredient may be reduced in proportion to the reduction in the above drug.

Sulphanilamide, para amino benzene sulphonamide or any derivative thereof or any combination thereof with other substances, and whether sold under the proper name or under any trade name, mark or designation.

R.S.O. 1950, c. 276, Sched. D.

Summary of and Extracts from an Act respecting Pharmaceutical Chemists and Druggists

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

SECTIONS

1. Short title.
2. Interpretation.
3. Incorporation.

4. The Council.
5. Existing council.
6. Subsequent councils.
7. Removal of member from division.
8. Election of Council.
9. Qualifications of members.
10. Conduct of elections.
11. Electoral divisions.
12. Nomination and voting.
13. Who elected.
14. Voters entitled to be present at opening ballots.
15. Casting vote.
16. Powers and duties of council.
17. Council to manage property.
18. Council may make by-laws.
19. General meetings and meetings of council.
20. Annual and special meetings.
21. Register.
22. Apprentices.
23. Persons entitled to be registered.
24. Registration without examination of certain qualified person.
- 24(a). Registration upon passing examination.
25. Registration of graduates in pharmacy.
26. Essentials before registration.
27. Only authorized persons registered.
28. Appeal from decision of registrar.
29. Certificate of membership and annual licence.
30. Shop licences.
31. Branch shop licences.
32. Licence to be displayed.
33. Removal of name from register for cause.
34. Subjects to be included in examinations.
35. Examinations under control of University of Saskatchewan.
37. No person other than a licensed pharmaceutical chemist or his registered apprentice shall compound the prescriptions of legally qualified medical practitioners. 1936, c. 86, s. 37.

38. (1) No person shall:

- (a) sell or keep open shop for retailing, dispensing or compounding poisons, drugs or medicines except patent or proprietary medicines as provided for in section 44, turpentine, epsom salts, senna, alum, borax, castor oil, sulphur, glauher's salt, cream of tartar, carbonate of soda, bicarbonate of soda, glycerine, carbonate of magnesia, citrate of magnesia, rochelle salts, blue stone, copperas, saltpetre, spirits of nitre, rhubarb root, solution of ammonia, phosphate of soda, gum camphor, hydrogen peroxide and chloride of lime;

unless he is so registered and holds a valid and subsisting annual licence, and a shop licence where necessary under the provisions of this Act.

(2) If any poison prohibited under clause (a) of subsection (1) is found in a shop in which business is transacted, such finding shall be prima facie evidence that such poison is kept for sale.

(3) No person shall sell or keep open shop for retailing, dispensing or compounding any poison, drug or medicine prohibited under clause (a) of sub-

section (1) unless a duly licensed pharmaceutical chemist personally manages and conducts such shop and has his annual licence posted up in a conspicuous position therein; and no unlicensed person, except a registered apprentice under the personal direction and control of a licensed pharmaceutical chemist, shall in any way interfere with or take part in the management of such a shop. 1936, c. 86, s. 38.

39. Nothing in this Act shall prevent a person not registered under this Act from selling or keeping for sale:

- (a) weak tincture of iodine, carbolic acid not exceeding a five per cent solution, potassium iodide or potassium permanganate, if same are sold or kept for sale in packages, as packed by the manufacturer, producer or wholesaler who prepared or put up such packages, and if such packages are distinctly labelled with the name and address of such manufacturer, producer, or wholesaler and are prominently marked or labelled "Poison", and if The Food and Drugs Act (Canada) and regulations thereunder and any other relevant Act of the Parliament of Canada and regulations, if any, thereunder are complied with;
- (b) methyl hydrate, if The Excise Act, 1934 (Canada) and any other relevant Act of the Parliament of Canada and regulations, if any, thereunder are complied with;
- (c) arsenic preparations and compounds, mercurial preparations and compounds, cresol and preparations, formaldehyde, nicotine sulphate and its preparations, pyrethrum and its preparations, derris and its preparations or prepared gopher poisons, if such articles are sold as pest control products in conformity with The Pest Control Products Act (Canada)". Am. C. 67, 1944.

40. Power of Council to amend schedules.

41. (1) No pharmaceutical chemist shall sell, furnish or dispose of any of the articles named in Part I of the first schedule except to a legally qualified medical practitioner, veterinary surgeon or dentist or upon the written prescription of a legally qualified medical practitioner, veterinary surgeon or dentist, which prescription shall be retained by the person who sells, furnishes or disposes of the same.

(2) No person shall sell by wholesale or retail any poison named in Parts II and III of the first schedule unless the package in which the poison is contained is distinctly labelled with the name of the article and the word "Poison", and also, if sold by retail, with the name and address of the pharmacy in which the sale is made. Am. c. 67, 1944.

(3) No person shall sell any poison mentioned in Part II of the first schedule to any person unknown to the seller unless such person is introduced by some one known to the seller, and on every sale of such an article the person actually selling the same shall before delivery make an entry (form D) in a book to be kept for the purpose, stating:

- (a) the date of the sale;
- (b) the name and address of the purchaser;
- (c) the name and quantity of the article sold;
- (d) the purpose for which it is stated by the purchaser to be required; and
- (e) the name of the person, if any, who introduced him;
which entry shall be signed by the purchaser.

(4) The sale by licensed pharmaceutical chemists of preparations containing therapeutic doses as defined in the British Pharmacopoeia, of poisons mentioned in the first schedule hereto when combined with other medicinally active agents shall not be subject to the provisions of subsection (1), (2) and (3). 1936, c. 86, s. 41.

41(a). Sale of penicillin and sulphonamides for veterinary use similar to Food and Drugs Act Regulations.

42. Prosecution and onus of proof.

43. Privileges under The Medical Profession Act not affected.

44. Nothing in this Act contained shall extend to or interfere with or affect the making or dealing in any proprietary or patent medicines, the sale of which is licensed under the Proprietary or Patent Medicine Act. 1936, c. 86, s. 44.

45. Sales to chemists, etc., permitted.

46. Pharmaceutical chemist in charge of business carried on by executor.

47. Certificate of partnership to be filed.

48. Certificate of change to be filed.

49. Execution of certificate in case of absent member.

50. Certificate where business in a name other than partners'.

51. Sales by incorporated companies only if majority of directors are pharmaceutical chemists.

52. Charges for illegal sale not recoverable.

53. Information to Provincial Secretary to be given.

54. Penalties.

55. By-laws, rules and regulations to be filed with Provincial Secretary.

56. Effective date of by-laws, etc.

57. Effect of failure to file by-law, etc.

58. Review by Legislative Assembly.

59. Record of revocation and notification to association.

60. Lists of members, etc., to be filed with Provincial Secretary.

61. Additions to and alterations in list filed in department.

62. Report to Minister of Public Health where application for admission refused.

63. Power to discipline members.

64. Apprentices.

SCHEDULE

Part I

Articles which may be sold in accordance with subsection (1) of section 41:

Aminopyrin, its salts and derivatives.

Apiol and compounds thereof.

Atropine and its salts and preparations thereof.

Beta-amino-propylbenzene and its salts and derivatives, including isomyn, amphetamine, benzedrine, methedrine, pervitin and their salts.

Butyl chloral hydrate.

Bromoform.

Barbituric acid, its salts; derivatives of barbituric acid, their salts; compounds of barbituric acid, its salts, its derivatives, their salts, with any other substance, whether described as veronal, proponal, medinal, luminal, nembutal, or any other trade-name, mark or designation.

Chloral hydrate.

*Chlorodyne.

Cinchophen and neocinchophen.

*Cocaine and its salts or any preparation or admixture thereof, or any synthetic substitute for the same; as novacaine, stovaine or any other trade-name, mark or designation.

*Codeine and its salts.

Cotton root.

Dilantin sodium.

*4-4-Diphenyl-6-dimethyl amino-heptanone-3 under whatever trade-name it may be offered for sale or sold, e.g., amidone, dolophine, methadon, adanon.

- Ergot fluid extract and alkaloids thereof.
- *Ethyl-1-methyl-4-phenylpiperidine-4-carboxylate Hcl, under whatever trade-name it may be offered for sale or sold, e.g., demerol, dolantin, pethidine.
- *Eucaine and its salts or preparation and any mixture thereof.
- Hyoscyamus and its preparations.
- Hyoscine.
- *Heroin.
- *Indian hemp (*cannabis Indica*).
- *Laudanum, paregoric.
- *Morphine and its salts and solutions.
- Nitro-glycerine.
- *Opium, including crude opium, powdered opium, or opium prepared or in course of preparation for smoking.
- Ortho-dinitrophenol, its compounds, homologues and derivatives.
- Penicillin and its salts, other than penicillin and its salts for oral use which contain not more than 3000 International Units per dose.
- Streptomycin and compounds thereof.
- Sulphonamides, their salts and derivatives.
- Tetraethylthiuram disulphide (antabuse, abstiny¹, or A.A.T.).
- Thyroid, thyroxin and its salts.
- *NOTE—The following articles cannot be sold except in compliance with *The Opium and Narcotic Drug Act (Canada)*:

- Chlorodyne.
- Cocaine or any salts or compounds thereof.
- Codeine and its salts.
- 4-4-Diphenyl-6-dimethyl amino-heptanone-3 under whatever trade-name it may be offered for sale or sold.
- Ethyl-1-methyl-4-phenylpiperidine-4-carboxylate Hcl, under whatever trade-name it may be offered for sale or sold.
- Eucaine or any salts or compounds thereof.
- Heroin or any salts or compounds thereof.
- Indian hemp (*cannabis Indica*) or hasheesh, or its preparations or compounds or derivatives or their preparations or compounds.
- Laudanum, paregoric.
- Morphine or any salts or compounds thereof.
- Opium or its preparations, or any opium alkaloids or their derivatives or salts or preparations, or any opium alkaloids or their derivatives, but not including apomorphine.

Part II

Articles which may be sold in accordance with subsections (2) and (3) of section 41:

- | | |
|---|--|
| Acid hydrocyanic (prussic acid). | Carbolic acid exceeding 5% solution. |
| Aconite and its preparations and compounds. | Croton oil. |
| Antimony tartrate. | Goulard's extract. |
| "Arsenic trioxide and its preparations and compounds thereof except where sold in accordance with clause (c) of section 39". 1944, c. 67. | Mercurial salts (mercury bichloride) except "calomel". |
| Belladonna. | Oil of tansy. |
| Chloroform. | Potassium cyanide and all other metallic cyanides. |
| | Strychnine, its salts and preparations. |
| | Corrosive sublimate. |

Part III am. c. 67, 1944

Articles which may be sold in accordance with subsection (2) of section 41:

- | | |
|---|--------------------|
| Antimony and its preparations. | Acid chromic. |
| Acetanelide. | Acid picric. |
| Acid oxalic. | Acid hydrochloric. |
| Acid acetic (thirty-three per cent. or stronger). | Acid sulphuric. |

Acid nitric.	Oil of almonds, unless deprived of prussic acid.
Ammonol.	Lead acetate.
Amyl nitrate.	Lead carbonate.
Barium chloride.	Oil of cedar.
Barium sulphide.	Oil of chenopodium.
Calabar beans, their alkaloid and preparations thereof.	Pennyroyal.
Crude carbolic acid.	Potassium bromide.
Copper salts and derivatives except copper sulphate.	Paregoric.
Cantharides and preparations thereof.	Phosphorus in its free state.
Cocculus spirits.	Potassium hydroxide.
Colchicum and preparations thereof.	Silver nitrate.
Digitalis and preparations thereof.	Savin and its preparations.
Ether.	Santonin.
Ephedrine salts.	Sodium Hydroxide.
Iodine and preparations thereof except mild tincture of iodine.	Sulphonal.
Mercury and its preparations except mercurial salts.	Trional.
Nux vomica and preparations.	Zinc acetate.
	Zinc chloride.
	Zinc sulphate.
	Conium.

NOTE.—Paregoric may be sold only in accordance with *The Opium and Narcotic Drug Act (Canada)*.

Summary of and Extracts from The Alberta Pharmaceutical Association Act

1945

CHAPTER 15

1. Short title.
2. Interpretation.
3. Incorporation.
4. Meetings.
5. Election of Council.
6. Persons entitled to vote.
7. Registrar to Conduct Elections.
8. District.
9. Entitlement to vote.
10. Nominations.
11. Election if only one nominated.
12. Voting.
13. Ballot forms.
15. Election of Councillor.
16. Voter entitled to be present.
17. Equality of votes.
18. Officers and powers of the council.
19. Council to manage real estate.
20. Council to fix fees and make by-laws.
21. Convicted persons liable to be struck from register.
22. Keeping register.
23. Only entitled persons to be registered.
24. Issue of certificate.

25. Qualifications for registration.

26. Internship regulations.

27. (1) No person who is not registered under this Act and the holder of a valid and subsisting certificate of registration shall, save as herein provided, sell or keep open shop for the retailing, dispensing, or compounding of poisons, drugs or medicines, except patent or proprietary medicines as defined by The Proprietary or Patent Medicine Act, being chapter 151 of the Revised Statutes of Canada, 1917, and except aspirin, tincture of iodine 2½%, creosote, valeric acid solutions not exceeding ten per centum (10%), turpentine, epsom salts, copperas, senna, borax, castor oil, sulphur, glauber's salt, cream of tartar, carbonate of soda, bicarbonate of soda, glycerine, carbonate of magnesia, citrate of magnesia, rochelle salts, saltpetre, spirits of nitre, rhubarb root, solution of ammonia, phosphate of soda, gum camphor and chloride of lime and except compounds for use in control of plant diseases and of pests and predators of plants and animals:

Provided that nothing in this section contained shall prevent any person selling poisons, drugs or medicine at any point in the Province of Alberta more than fifteen miles from the nearest place of business operated by a member of the Association:

Provided further that all other provisions of this Act in regard to the sale of poisons shall apply to any sale by any such person.

27a. No person other than a pharmaceutical chemist or a person duly authorized so to do pursuant to any Act or regulation of the Province shall,—

(a) advertise, sell or attempt to sell or keep or expose for sale or distribute in any manner whatsoever any glandular products, toxoid, sera, vaccine or bacterin for human use which is intended for administration by hypodermic injection into the human body;

(b) advertise, sell or attempt to sell or keep or expose for sale or distribute in any manner whatsoever any articles for the prevention of venereal diseases.

27b. (1) No person other than a pharmaceutical chemist, a duly registered veterinary surgeon or a person duly authorized so to do pursuant to any Act or regulation of the Province shall advertise, sell or attempt to sell or keep or expose for sale or distribute in any manner whatsoever any veterinary biological product for use by hypodermic injection into any animal.

(2) Only registered pharmacists may dispense.

(4) Use of title implying druggist, etc., except by certificated person permitted.

(7) Incorporations.

(8) Report change in management.

28. Council may add to list of poisons.

29. Charges not recoverable for articles sold in violation.

30. (1) Every place in which drugs or medicines are compounded, or manufactured, or where manufacturers' original packages are subdivided or broken up for the purpose of repackaging into either larger or smaller quantities, for sale either by retail or wholesale, shall be under the immediate supervision of and shall be bona fide managed and conducted by a duly qualified and registered pharmaceutical chemist under this Act:

Provided that nothing in this section contained shall apply to those drugs named in subsection (1) of section 27, except Paris green.

(2) All drugs and medicines, including those named in subsection (1) of section 27, shall be properly labelled by wholesaler dealers and retailers before being offered for sale to the general public.

31. (1) No person shall sell any of the poisons named in Part 1 of Schedule 1 to any persons unknown to the seller unless introduced by some person known to the seller, and on every sale of such poison the person actually selling the same shall before delivery make an entry in a book to be kept for the purpose, stating the date of the sale, the name and address of the purchaser, the name and quantity of the drug sold, and the purpose for which it is stated by the purchaser to be required, and the name of the person, if any, who introduced him, to which entry the signature of the purchaser shall be affixed.

(2) No person shall sell any of the poisons named in Part 1 or Part 2 of Schedule 1, either by wholesale or retail, unless the box, bottle, vessel, wrapper or cover in which the poison is contained is distinctly labelled with the name of the poison and the word "Poison", and with the name and address of the proprietor or the name of the establishment in which the poison is sold.

32. (1) Nothing in this Act shall prevent any person in any place, who has received a permit so to do from the Department of the Attorney General of the Province or from the Royal Canadian Mounted Police or any officer or officers authorized by the Department of the Attorney General from selling any branded line of Gopher Poison duly licensed, labelled and registered in conformity with The Agricultural Pests Control Act of the Government of the Dominion of Canada, provided that the seller shall make an entry in a book of the sale, the name and address of the purchaser, the name and quantity of the article sold and the purpose for which it was stated by the purchaser to be required, to which entry the signature of the purchaser shall be affixed.

(2) The provisions of subsection (2) of section 31 shall also apply to sales made pursuant to subsection (1) of this section.

33. Offence and Penalty.

34. Onus of proof on seller.

35. Evidential value of certificate of registrar.

36. Business may be carried on by executor under supervision of chemist.

37. Returns by registrar on demand.

38. Privileges of qualified medical practitioners not affected by Act.

(5) Nothing in this Act shall extend to or interfere with the business of wholesale dealers in supplying poisons or other articles in the ordinary course of wholesale dealing provided the poisons or other articles are in sealed manufacturers' packages.

39. Repeal.

40. Assent.

SCHEDULE I

Part 1

(Sections 2, 28 and 31)

Explanatory Note—The sale of drugs in this schedule is subject to the following restrictions:

1. To be sold only in drug stores unless the place of sale is over 15 miles from the nearest drug store.
2. To be sold only to persons known to the seller.
3. Sale must be registered in the "poison book" and the book must be signed by the purchaser.
4. The package must be properly labelled with the name of the drug, the word poison, and the name of the store where it is sold.

Acid Hydrocyanic,
Acid Chromic,
Aconite and preparations and compounds,
Antimony Tartrate,
Apiol,

Atropine and Salts thereof,
Barium Chloride,
Barium Sulphide,
Belladonna and preparations and compounds thereof,

Bromoform,
Butyl Chloral Hydrate,
Chloral Hydrate,
Chloroform,
Conium and preparations thereof,
Cottonroot fluid extract,
Croton Oil,
Emetine and Salts thereof,
Ergot and preparations and compounds thereof,

Hyoscyamus and preparations and compounds thereof,
Lobelia and preparations thereof,
Mercury Bichloride,
Nux Vomica and preparations thereof,
Oil of Tansy,
Oil of Pennyroyal,
Picrotoxin,
Paraldehyde,
Potassium Cyanide.

SCHEDULE I

Part 2

(Sections 2, 28 and 31)

Explanatory Note—The sale of drugs in this schedule is subject to the following restrictions:

1. To be sold only in drug stores unless the place of sale is more than 15 miles from a drug store.
2. To be sold only to persons known to the seller.
3. The package must be properly labelled with the name of the drug, the word poison, and the name of the store where sale is made.

Acetanilid,
Acid Acetic (over 30%),
Acid Carbolic,
Acid Oxalic,
Acid Hydrochloric,
Acid Nitric,
Acid Picric,
Acid Sulphuric,
Calabar Beans,
Cantharides and preparations thereof,
Digitalis and preparations thereof,
Dinitrophenol and preparations thereof,
Ether,
Hellebore,
Iodine and preparations thereof,
Mercury and preparations,
Mercurochrome and preparations,

Methyl Salicylate,
Lead and Salts and preparations,
Oil of Cedar and Oil of Bitter Almonds,
Potassium Hydroxide,
Phosphorus,
Potassium Permanganate,
Sabadilla Seeds,
Santonin,
Savin and preparations,
Sodium Fluoride,
Sodium Hydroxide,
Silver Nitrate,
Sodium Metallic,
Zinc Acetate,
Zinc Chloride,
Zinc Sulphate.

Summary of and Extracts from an Act respecting the Practice of Pharmacy and the Regulation of the Sale and Use of Poisons and Drugs

1. Short title.
2. Interpretation.
3. Pharmaceutical Association, powers of.
4. Membership.
5. The Council.
6. Council to control property of association.
7. Power to suspend for conduct contrary to public interest.
8. Power of council to make by-laws and regulations.
9. Board of examiners.
10. Annual and special general meetings of association.
11. Majority to decide.
12. Duties of Registrar.
13. Entry of names in register.

14. Registration, certificates, and annual licences.
15. Registration of apprentices.
16. Certified clerks.
17. Pharmaceutical chemists must be eligible under "Provincial Elections Act."
18. Passing examination or obtaining degree prerequisite to registration.
19. Exemption from examination in certain cases.
20. Payment of fees prior to registration.
21. Filing list with Provincial Secretary and gazetting.
22. Annual fees.
23. Medical practitioners may register.
24. Pharmaceutical chemist retiring from practice to notify registrar.
25. Shop licence required.
26. Branch licences required.
27. Provisions in relation to joint stock companies.
28. Annual licence to be conspicuously displayed.
29. Shops to be licensed and licence displayed.
30. (1) Save as in this Act otherwise provided, no person shall:
 - (a) Practise or attempt to practise the profession of a pharmaceutical chemist:
 - (b) Keep open shop for retailing, dispensing, or compounding poisons, drugs, or medicines, including the articles mentioned in Schedule A:
 - (c) Dispense or compound poisons, drugs, or medicines:
 - (d) Sell or attempt to sell or keep or expose for sale poisons, drugs, or medicines:
 - (e) Advertise, sell, attempt to sell, keep, or expose for sale or distribute in any manner whatsoever any articles for the prevention of venereal diseases:
 - (f) Act as agent for a licensed pharmaceutical chemist except in a shop licensed under this Act; or
 - (g) Assume or use the title of "pharmaceutical chemist," or "chemist and druggist," or "druggist," or "pharmacist," or "apothecary," or "dispensing chemist," or "dispensing druggist," or words of like import; or display on or about a shop or advertise, display, list, or use in an advertisement any of the titles mentioned, or the designation "drug-store," "drug department," "drug dispensary," "drugateria," "drug sundries," "pharmacy," "drugs," or "medicines," or assume, use, display, advertise, list, or use in an advertisement in English or any other language any other sign, title, or advertisement implying or calculated to lead the public to infer that he is registered under this Act,—

unless he be registered under this Act and hold an unexpired valid and annual licence as a pharmaceutical chemist.

(2) If any poisons, drugs, or medicines are found in a shop in which business is transacted, it shall be prima facie deemed that they are kept for sale until the contrary is shown.

(3) Nothing in this Act shall prevent a corporation authorized to do business in the Province from owning or carrying on the business of a pharmacy, dispensary, drug-store, drug department, or drugateria, but such a corporation may only sell poisons, drugs, or medicines and compound prescriptions upon obtaining a shop licence and otherwise coming within and complying with the provisions of this Act.

(4) An advertisement published or displayed in the name of or on behalf of any person by any employee or agent of such person shall for all the

purposes of this Act be deemed to have been published or displayed by such person. R.S. 1936, c. 215, s. 29; 1946, c. 58, ss. 28—30.

31. Licence may be cancelled.
32. Right of appeal against suspension.
33. Duty of medical practitioner to report mental ailment of person licensed.
34. Drug-stores to be in charge of licensed pharmaceutical chemist.
35. Registered student not to compound, etc.
36. Copy of prescription to be supplied if requested unless otherwise directed.
37. (1) No pharmaceutical chemist shall sell any of the articles or preparations thereof named in Part I of Schedule A except to a medical practitioner, veterinary surgeon, or dentist, or upon the prescription of a medical practitioner, veterinary surgeon, or dentist.
- (2) No pharmaceutical chemist shall sell, except to a medical practitioner, veterinary surgeon, or dentist, or upon the prescription of a medical practitioner, veterinary surgeon, or dentist, any of the articles mentioned in Part II of Schedule A, unless:—
 - (a) Before delivery, he makes an entry in a book to be kept for that purpose in the form set forth in Schedule C, to be called the "register of poisons," stating the date of sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is stated by the purchaser and believed by the seller to be required, and the name of the person (if any) who introduced him, to which entry the signatures of the purchaser and of the person actually selling the same shall be affixed;
 - (b) If the article be sold by retail, the purchaser must be known to the seller, or, if unknown, be introduced by a person known to the seller; and
 - (c) The box, vessel, bottle, wrapper, or cover in which the article is contained be distinctly labelled with the name of the article and the word "poison" in conspicuous letters, and if sold by retail every label shall give the name and address of the establishment in which the poison is sold;
 - (d) No licensed pharmaceutical chemist shall sell any of the articles or preparations thereof named in Part I of Schedule A or any of the articles named in Part II of Schedule A to a person who is under the apparent age of eighteen years, except on the written prescription of a medical practitioner, veterinary surgeon, or dentist, or, in the case of any of the articles marked with an "x" in Part III of Schedule A, on the signed order of a responsible person over the age of twenty years known to the pharmaceutical chemist.
- (3) Register of poisons to be open to law officers.
38. Misleading statements prohibited.
39. Poisons to be specially marked.
40. Alterations in Sch. A and B.
41. Sale under false name prohibited.
42. Sale to licensed pharmaceutical chemist permitted.
43. Sale of poisons to be used in agricultural pest control.
44. Nothing in this Act shall interfere with or affect the making or dealing in any proprietary or patent medicine. R.S. 1936, c. 215, s. 41. (Proprietary or patent medicines defined to mean one registered under Proprietary or Patent Medicines Act.)
45. Nothing in this Act shall prevent a person not registered under this Act from:
 - (a) Selling or keeping for sale any of those articles mentioned in Part I of Schedule B; or

(b) Selling or keeping for sale any of the articles in Part II of Schedule B; but this paragraph shall not apply to any place or area in the Province within five miles of which there is a licensed pharmaceutical chemist carrying on business. R.S. 1936, c. 215, s. 42.

46. Penalties and prosecutions.
47. Penalties to be paid to Consolidated Revenue Fund.
48. Owner liable for offences committed with consent express or implied and onus on him to disprove.
49. Presumption of no licence until contrary proved.
50. Onus of proof on accused.
51. More than one charge permitted in information.
52. Bankrupt businesses may be carried on under management of licensed pharmaceutical chemist.
53. Chemist exempted from jury service.
54. Limitation of actions.
55. Price for articles sold in violation of Act not to be recovered.

SCHEDULE A

Part I

Articles or preparations thereof which may be sold only to a medical practitioner, veterinary surgeon, or dentist, or on the prescription of a medical practitioner, veterinary surgeon, or dentist:—

- | | |
|---|---|
| 1. Apiol: | Part III, item 95, of this Schedule: |
| 2. Atropine and sales and preparations thereof: | 9. Dinitrophenol and preparations thereof: |
| 3. Barbituric Acid, its salts; derivatives of barbituric acid, their salts; compounds of barbituric acid, its salts, its derivatives, their salts, with any other substance, whether described as Veronal, Proponal, Medinal, Luminal, Nembutal, or any other trade name, mark, or designation: | 10. Emetine: |
| 4. Bromoform: | 11. Ergot, fluid extract and alkaloids thereof: |
| 5. Butyl Chloral Hydrate: | 12. Hydrocyanic Acid (Prussic): |
| 6. Chloral Hydrate: | 13. Hyoscine: |
| 7. Cincophen, whether described as Atophan or any other trade name, mark, or designation: | 14. Hyoscyamus and preparations thereof: |
| 8. Codeine and its salts and their preparations, except as provided in | 15. Nitro-glycerine: |
| | 16. Scopolamine: |
| | 17. Spartein and preparations thereof: |
| | 18. Strophanthus and preparations thereof |
| | 19. Thyroid gland, the active principles of; their salts; and |
| | 20. Yohimba, alkaloids and preparations thereof. |

Part II

Articles which may be sold to a person known to the pharmaceutical chemist, and after being entered in the Poison Register and signed for, and properly labelled:—

- | | |
|--|--|
| 1. Aconite and preparations and compounds thereof: | 4. Arsenic and preparations and compounds thereof, except as provided in Part III, item 1, of this Schedule: |
| 2. Alkaloids; all poisonous vegetable alkaloids, not specifically mentioned elsewhere in these Schedules, and their salts and all poisonous derivations thereof: | 5. Belladonna and preparations and compounds thereof, except emplastrum, and except as provided in Part III, item 1, of this Schedule: |
| 3. Antimony, tartrate of (Tartar Emetic): | |

6. Cantharides and preparations thereof:
7. Carbolic Acid, pure, or of greater strength than five per centum when mixed with water, or ten per centum when mixed with glycerine and water, but not crude carbolic acid:
8. Chloroform:
9. Conium and preparations and compounds thereof:
10. Croton Oil:
11. Derris-root:
12. Elaterium:
- 12A. Ether.
13. Euphorbium:
14. Goulard's Extract:
15. Lobelia and preparations thereof:
16. Mercury and preparations thereof:
17. Mercurial salts, except Calomel, and tablet form of corrosive sublimate:
18. Nux Vomica and preparations thereof:
19. Oil of Bitter Almonds, unless deprived of Prussic Acid.
20. Oil of Rue:
21. Oil of Savin:
22. Oil of Tansy:
23. Pest destroyers of a poisonous nature:
24. Potassium Cyanide and all other metallic cyanides:
25. Paregoric (when sold alone):
26. Santonin:
27. Strychnine and salts and preparations thereof, except as provided in Part III, item 1, of this Schedule:
28. Ureides except caffeine; and
29. Urethanes.

NOTE.—The sale of Paregoric is also subject to Dominion Government regulations.

Part III

Articles which may be sold by a licensed pharmaceutical chemist to any person (those marked "x" to be labelled "Poison"):

- x1. Arsenic, Belladonna, and Strychnine, when combined with other ingredients in preparations of pills, capsules, tablets, elixirs, or syrups having medicinal qualities other than those possessed by the drugs named in this clause when taken alone, and in doses not exceeding those of the British Pharmacopœia and generally recognized as safe medication:
- x2. Acetanilide:
- x3. Acid Acetic (thirty-three per centum or stronger):
4. Acid Acetylsalicylic, whether described as Aspirin, Acetophen, or any other trade name, mark, or designation:
- x5. Acid Chromic:
- x6. Acid Oxalic:
- x7. Acid Picric (Trinitrophenol):
8. Acid Salicylic:
9. Aloes and preparations thereof:
- x10. Ammonol:
11. Amidopyrine and preparations thereof:
- x12. Amyl Nitrite:
13. Antikamnia and preparations thereof:
14. Aristol:
- x15. Barium Chloride:
- x16. Barium Sulphide:
17. Benzol:
18. Beta Naphthol:
19. Bismuth and preparations thereof:
- x20. Butyn:
21. Caffeine and preparations and compounds thereof:
22. Calabar Beans; the alkaloid and preparations thereof:
23. Calomel:
24. Carbon tetrachloride:
25. Cerium Oxalate:
- x26. Chloralamide:
27. Chloretone:
- x28. Colchicum and preparations thereof:
- x29. Corrosive Sublimate (tablets only):
- x30. Cotton-root and preparations thereof:
- x31. Cresol (Cresylic Acid) and its preparations and the homologues of Cresol and their preparations:
- x32. Creosote:
- x33. Crude Carbolic Acid:
- x34. Digitalis and preparations thereof:
35. Ephedrine Salts:
- x37. Ethyl Chloride:
- x38. Exalgin:
39. Fluid Extracts, except those included elsewhere in these Schedules:

- x40. Formaldehyde, whether described as Formaline or any other trade name, mark, or designation:
- 41. Formin, whether described as Urotropin, Urosal, Urosine, or any other trade name, mark, or designation:
- x42. Gelsemium and preparations thereof:
- x43. Guaicol and preparations thereof:
- x44. Hellebore:
- x45. Henna:
- 46. Ichthyol and préparations thereof:
- 47. Insulin:
- x48. Iodine and preparations thereof:
- 49. Ipecac and preparations thereof:
- x50. Lead Acetate:
- x51. Lead Carbonate:
- x52. Lead Iodide:
- x53. Lead Oxide:
- x54. Lead in combination with Oleic Acid, whether sold as Diachylon or under any other designation:
- 55. Menthol:
- 56. Methyline Blue:
- x57. Oil of Cedar:
- x58. Oil of Chenopodium:
- x59. Paraldehyde:
- x60. Pennyroyal:
- 61. Phenacetine:
- 62. Phenazone (anti-pyrine):
- x63. Phosphorus in a free state:
- x64. Picrotoxin:
- x65. Piperizine:
- 66. Pituitary gland, the active principles of:
- 67. Podophyllin:
- x68. Potassium Bichromate:
- 69. Potassium Bromide:
- 70. Potassium Chloride:
- x71. Potassium Hydroxide:
- 72. Potassium Iodide:
- x73. Potassium Permanganate:
- 74. Resorcin:
- x75. Sabadilla seeds:
- 76. Salicine:
- 77. Salol:
- 78. Salophen:
- 79. Scammony:
- x80. Silver Nitrate:
- x81. Sodium Fluoride:
- x82. Sodium Hydroxide:
- x83. Sodium Nitrite:
- 84. Stramonium and preparations thereof:
- x85. Stavesacre:
- 86. Strontium (compounds and preparations except nitrate):
- x87. Sulphonal: its derivatives:
- 88. Suprarenal gland, the active principles of; their salts:
- x89. Thallium salts:
- 90. Valerian and preparations thereof:
- x91. Verdigris:
- x92. Zinc Acetate:
- x93. Zinc Chloride; and
- x94. Zinc Sulphate:
- x95. Codeine when combined with other ingredients in preparations possessing medicinal qualities other than those possessed by Codeine when taken alone: Provided that in any liquid preparation the quantity of Codeine shall not exceed one-quarter grain in each fluid dram, and that in any solid preparation the quantity of Codeine shall not exceed one-quarter grain in any capsule, tablet, pill, powder, or wafer, and that the total weight of Codeine in any such preparation shall not exceed five per centum of the total weight of all the medicinal ingredients, excluding ingredients used as a base.

R.S. 1936, c. 215, Sch. A; 1946, c. 58, s. 41; O. in C. No. 1166, 1937; O. in C. No. 952, 1945.

SCHEDULE B

Part I

Articles which may be sold by any person:—

- 1. Acetylsalicylic Acid (in sealed packages), whether described as Aspirin, Acetophen, or any other trade name, mark, or designation:
- 2. Alum:
- 3. Borax:
- 4. Bi-carbonate of Soda:
- 5. Castor-oil:
- 6. Cream of Tartar:
- 7. Carbonate of Soda:
- 8. Carbonate of Magnesia:
- 9. Citrate of Magnesia:
- 10. Chloride of Lime:
- 11. Di-Sodium-Dibromo-Oxymercury-Fluorescein, whether described as "Mercurochrome" or any other trade name, mark, or designation:

- | | |
|------------------------|---|
| 12. Epsom Salts: | 20. Rochelle Salts: |
| 13. Glauber's Salt: | 21. Senna: |
| 14. Glycerine: | 22. Sulphur: |
| 15. Gent Compound: | 23. Saltpetre: |
| 16. Hydrogen Peroxide: | 24. Solution of Ammonia: |
| 17. Phenacetin: | 25. Tincture of Iodine (in sealed bottles); and |
| 18. Phosphate of Soda: | 26. Turpentine. |
| 19. Rhubarb-root: | |

Part II

Articles which may be sold by any person in places or areas within five miles of which there is no licensed pharmaceutical chemist carrying on business:—

- | | |
|------------------------|---|
| 1. Calomel: | 7. Salol: |
| 2. Formaldehyde: | 8. Sodium Fluoride: |
| 3. Oil of Cedar: | 9. Soda Salicylate: |
| 4. Potassium Bromide: | 10. Spirits of Nitre; and |
| 5. Potassium Chloride: | 11. Sulphuric Acid (in sealed bottles). |
| 6. Sabadilla Seeds: | |

R.S. 1936, c. 215, Sch. B.

FOOD

DAIRY LEGISLATION

THE DAIRYMEN'S ACT, 1950—ALBERTA

CHAPTER 18

AN ACT respecting the Manufacture and Processing of Dairy Products

(Assented to April 5, 1950.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Short Title

Short title.

1. This Act may be cited as "*The Dairymen's Act, 1950*".

Interpretation

Interpretation.

2. In this Act, unless the context otherwise requires,—

"*Cheese factory.*"

- (a) "cheese factory" means a place to which milk from the herds of five or more persons is brought for the purpose of being manufactured into cheese for public sale;

"*Commissioner.*"

- (b) "Commissioner" means the Dairy Commissioner appointed pursuant to this Act;

"*Concentrated milk plant.*"

- (c) "concentrated milk plant" means a place at which milk is dehydrated or condensed or evaporated or powdered or converted into casein;

"*Creamery.*"

- (d) "creamery" means a place to which milk or cream from the herds of five or more persons is brought for the purpose of being manufactured into butter for public sale;

"*Dairy.*"

- (e) "dairy" means a place at which milk or cream is purchased or received for the purpose of being pasteurized, standardized or otherwise processed and resold to the wholesale or retail trade;

"Dairy manufacturing plant."

- (f) "dairy manufacturing plant" means a dairy, cheese factory, creamery, concentrated milk plant, ice cream plant, process cheese plant or skimming station or any combination thereof;

"Department."

- (g) "Department" means the Department of Agriculture;

"Ice cream plant."

- (h) "ice cream plant" means a place at which ice cream or ice cream mix is manufactured for the purpose of sale to retail distributors;

"Inspector."

- (i) "inspector" means an inspector appointed pursuant to this Act;

"Minister."

- (j) "Minister" means the Minister of Agriculture;

"Patron."

- (k) "patron" means a person who brings or supplies milk or cream to any dairy manufacturing plant;

"Process cheese plant."

- (l) "process cheese plant" means a place to which cheese is brought from one or more lots for the purpose of mixing, pasteurizing or emulsifying;

"Skimming station."

- (m) "skimming station" means a place where milk from the herds of five or more persons is received and creamed by means of a centrifugal cream separator.

Appointment of Officers*Appointment of Dairy Commissioner and other officers.*

3. Subject to the provisions of *The Public Service Act, 1947*, the Minister, with the approval of the Lieutenant Governor in Council, may appoint a Dairy Commissioner and such supervisors, inspectors, graders, testers, weighers, clerks and servants as are necessary for carrying out the provisions of this Act and may prescribe their duties and fix their remuneration.

Inspection and Grading*Inspection of dairy manufacturing plants.*

4. Any person appointed under section 3 shall have free access and admission at all reasonable hours to all dairy manufacturing plants and everything contained therein and on the premises thereof and also to the buildings and premises used for any dairy purpose by any patron.

Inspector may take samples.

5. An inspector may weigh and take samples of any milk or cream for the purpose of testing or grading whether it is in the possession of the producer, vendor, purchaser, carrier or storage company.

Official grade.

6. The grades, the percentages of butterfat and the weight of milk or cream as determined and reported by any grader, tester, weigher, inspector or supervisor appointed under this Act shall constitute the official grade, butterfat test and weight of the milk or cream and shall be the basis on which final settlement shall be made to the producer.

Sanitation*Buildings shall be sanitary.*

7. The buildings and premises of every dairy manufacturing plant shall be kept in a sanitary condition satisfactory to any inspector or officer appointed under the provisions of this Act.

Manufacture and processing shall be sanitary.

8. All materials entering into the manufacture and processing of dairy products shall be clean and wholesome and the methods employed in manufacturing or processing shall be sanitary.

Method of handling shall be sanitary.

9.—(1) The methods of handling and caring for milk, cream and dairy utensils used by patrons shall be clean and sanitary and satisfactory to any dairy inspector appointed under the provisions of this Act.

Dairy manufacturing plant may be closed if found unsanitary.

(2) Upon the report of the Dairy Commissioner or any inspector that a dairy manufacturing plant is not in a sanitary condition or that the methods of manufacture are unsanitary, the Minister may order the owner, operator, manager or other person in charge thereof to close the same forthwith and it shall be kept closed until the Dairy Commissioner or inspector reports that such condition and methods are satisfactory.

Unsanitary milk or cream shall be coloured.

10. If, in the opinion of an inspector or a licensed grader or tester, any lot or shipment of milk or cream,—

(a) is unsanitary; or

(b) contains any contaminating substance; or

(c) is or appears to be unfit for human consumption;

such milk or cream shall be coloured by the inspector or by the licensed grader or tester at any dairy manufacturing plant with a harmless colouring matter and returned to the patron at his expense or may be disposed of in some manner other than in the manufacture or processing of any dairy product.

Container for shipment shall be sanitary.

11. No person shall deliver to any express, railway or other transportation company any empty milk, cream or ice cream container for shipment, forwarding or delivery unless it has first been thoroughly washed or cleansed and rendered sanitary.

Sampling, Testing and Purchasing Milk and Cream

Milk or cream purchased on butterfat content.

12. All milk or cream supplied by a patron to a dairy manufacturing plant shall be purchased on the basis of butterfat content.

Babcock test for butterfat in milk.

13. The percentage of butterfat in milk supplied to a dairy manufacturing plant shall be determined by the Babcock test and the measuring pipette used shall have a marked capacity of 17.6 cubic centimeters.

Babcock test for butterfat in cream.

14. The percentage of butterfat in cream supplied to a dairy manufacturing plant shall be determined by the Babcock test and the cream placed in the test bottle shall weigh 18 grammes.

Composite test.

15. Where a composite test is made to determine by the Babcock test the percentage of butterfat contained in milk supplied to dairy manufacturing plants by any patron, a sample shall be taken from each weighing and the proportion which the sample bears to the weight of the milk from which it is taken shall be maintained in the taking of all other samples entering into such composite test.

Storage of samples of milk or cream.

16. The samples of milk and cream collected for a composite test from several lots of milk or cream received from one patron shall be kept in a cool

place in a separate tightly stoppered glass bottle or jar plainly labelled with the patron's name or number corresponding to the sample number on the plant record sheet.

Samples not to be adulterated, etc.

17. No sample milk or cream taken for such composite test shall be adulterated, treated or tampered with in any manner which may affect results of the tests.

Original records of tests to be kept twelve months.

18. (1) The original records of all tests, composite or otherwise, made to determine the butterfat content of milk and cream shall be signed by the person determining same and kept at the dairy manufacturing plant for a period of twelve months.

Examination of records of tests.

(2) Any patron or any inspector appointed under this Act shall have the right to examine the record at all reasonable hours.

Purchase price to be based on correct weight, etc.

19. No owner, operator, manager or other person in charge of a dairy manufacturing plant shall, in respect of any milk or cream purchased from a patron, base the purchase price upon a weight, butterfat test, grade or classification other than the correct weight, butterfat test, grade or classification.

Dairy manufacturing plant required to keep records.

20. (1) The owner, operator, manager or other person in charge of a dairy manufacturing plant shall keep a record on the premises where the milk or cream is received,—

- (a) of the amount of milk or cream received each day from each patron;
- (b) of the disposition made thereof; and
- (c) of the weight in pounds or quantity in gallons, as the case may be, of all dairy products manufactured or processed daily.

Inspection records.

(2) Such records shall be kept for a period of twelve months and any inspector appointed under this Act shall have the right to examine them at all reasonable hours.

Contents of statement to accompany payment to patron for cream.

21. The owner, operator, manager or other person in charge of a dairy manufacturing plant shall make and deliver with every payment to each patron from whom cream has been purchased, and in any event at intervals of not more than sixteen days, a statement showing among other details,—

- (a) the name and address of the issuer;
- (b) either the name and address of the person to whom it is issued or a serial number corresponding to a similar number on the settlement cheque and the plant record sheet;
- (c) the period which the statement covers;
- (d) the quantity, in pounds, of cream supplied by him during the period;
- (e) the butterfat test of the cream;
- (f) the butterfat content, in pounds, of the cream;
- (g) the grade of the cream;
- (h) the rate of payment per pound of butterfat;
- (i) the total amount paid.

Contents of statement to accompany payment to patron for milk.

22. The owner, operator, manager or other person in charge of any dairy manufacturing plant shall make and deliver with every statement to each patron from whom milk has been purchased, and in any event at intervals of not more than sixteen days, a statement showing among other details,—

- (a) the name and address of the issuer;
- (b) either the name and address of the person to whom it is issued or a serial number corresponding to a similar number on the settlement cheque and the plant record sheet;
- (c) the period which the statement covers;
- (d) the quantity in pounds of milk supplied by him during the period;
- (e) the grade of the milk if payment is based on grade;
- (f) the butterfat test of the milk;
- (g) the basis and rate of payment per pound of butterfat or per one hundred pounds of milk, as the case may be;
- (h) the total amount paid.

Statements prima facie evidence.

23. The production of the statements required in sections 21 and 22 shall be *prima facie* evidence of the facts contained therein.

Minister may require statistical returns and information.

24. The owner, operator, manager or other person in charge of a dairy manufacturing plant shall make such statistical returns and supply information as to ownership, officers and patronage dividends in such form and at such times as the Minister may require.

Permit to Establish Plant

Permit to establish plant.

25. Any person desiring to establish a dairy manufacturing plant in the Province shall make application in writing to the Minister for a permit to do so.

Site and plans to be approved by Minister.

26. No person, for the purpose of operating a dairy manufacturing plant, shall erect a building or establish a plant in any building already erected until the site and the plant and specifications have been approved by the Minister.

Licenses

Licenses required.

27. (1) No person shall operate any creamery, cheese factory or concentrated milk plant or act as the grader or tester of milk or cream until he has obtained from the Minister a license to do so.

Permit to transfer milk or cream.

(2) The Minister, upon the application of any person licensed to operate a creamery, cheese factory or concentrated milk plant, may issue a permit in writing authorizing the person so licensed to transfer or forward any milk or cream purchased by him from his patrons to some other point to be manufactured or resold.

Application for license.

28. (1) Every application for a license shall be in writing and shall be accompanied by such particulars as the Minister may from time to time require, together with the fee payable in respect of the license.

Minister may grant or refuse license.

(2) The Minister, in his discretion, may grant or refuse to grant any license.

Expiration of license.

(3) Every license shall expire on the thirty-first day of December following the date of issue.

Lieutenant Governor may prescribe conditions of license and fees.

(4) The Lieutenant Governor in Council, from time to time by regulation, may prescribe the conditions subject to which any license is issued under this Act and the fees payable in respect thereof.

Minister may cancel or suspend license.

29. In case it is made to appear to the Minister that the holder of any license issued under this Act is guilty of any offence against this Act or has failed to comply with any provision of this Act or the regulations, the Minister, in his discretion by writing under his hand, may cancel or suspend such person's license.

Appointment of advisory boards.

30. (1) The Minister, from time to time, may appoint one or more advisory boards each consisting of a chairman and not more than two other members.

Term of office and remuneration of advisory board

(2) The chairman and members of an advisory board,—

(a) shall hold office during the pleasure of the Minister; and

(b) shall receive such expenses as may be approved by the Minister; and

(c) shall not receive any remuneration for their services.

Advisory board investigates licenses and reports to Minister

31. (1) An advisory board, when requested to do so by the Minister, shall inquire into any application for the granting or renewal of any license in respect of a creamery, cheese factory or concentrated milk plant or shall inquire into the propriety or otherwise of suspending or cancelling any license in respect of a creamery, cheese factory or concentrated milk plant and shall report its recommendations in writing to the Minister.

(2) For the purpose of making any such inquiry an advisory board shall have all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Minister may refuse granting or renewal of license.

32. (1) The Minister,—

(a) in any case which he has referred to an advisory board, upon the recommendation of that board; and

(b) in any other case when he thinks fit;

may refuse any application for the granting or renewal of any license or permit or may cancel or suspend any license or permit.

Minister may suspend or cancel license.

(2) The Minister, upon being satisfied by the report of the Dairy Commissioner or an advisory board or an inspector or otherwise,—

(a) that any place in respect of which a license has been issued has ceased to conform to any of the requirements of this Act or of the regulations; or

(b) that the business conducted thereon is not operated in conformity with the provisions of this Act or the regulations;

may, in his discretion, either cancel the license or suspend it until such time as he is satisfied that the place does conform to the requirements and that adequate measures have been taken for the future operation of the business in such a way as to comply with the provisions of this Act and the regulations.

Operating creamery, etc., without a license is an offence.

33. Every person who operates any creamery, cheese factory or concentrated milk plant who is not for the time being the holder of a valid and subsisting license under this Act shall be guilty of an offence and liable on summary conviction to a fine of ten dollars per day for every day upon which he has so operated without a license, together with costs, and in default of payment to imprisonment for not more than sixty days.

Operating testing apparatus without a license is an offence.

34. (1) No person shall operate a milk or cream testing apparatus to determine the percentage of butterfat in milk or cream for the purpose of purchasing the same either for himself or for another without first securing a license from the Minister authorizing him to operate the apparatus.

(2) The testing of each lot of milk or cream by any unlicensed person shall constitute a separate offence.

(3) Notwithstanding subsection (1), any licensed person may appoint a capable substitute for valid reasons for a period not to exceed ten days.

License to operate testing apparatus.

35. (1) Any person desiring to secure a license to operate a milk or cream testing apparatus shall make application therefor on a form prepared and provided by the Minister.

Examination may be required.

(2) The Minister may require the applicant to pass an examination and to prove by actual demonstration that he is competent and qualified to use the apparatus properly and to make an accurate test with it.

Fees to form part of General Revenue Fund.

36. The fees collected under the provisions of this Act shall be paid into the General Revenue Fund of the Province by the Minister.

Discrimination

No discrimination in prices allowed.

37. (1) In the purchasing of milk, cream or butterfat for the purpose of manufacturing or processing for distribution, no person shall discriminate in the prices paid by purchasing such commodity at a lower price from one patron than is paid by such person for the same commodity at the same time to another patron, after making due allowance for any difference in grade or in cost of transportation from the point of production to the point of manufacture or processing.

Offence and penalty.

(2) Any person violating any provision of this section shall be guilty of an offence and liable upon summary conviction to a fine of not less than fifty dollars and not more than five hundred dollars.

Assessments

Assessment of dairy manufacturing plants.

38. (1) The Minister may assess every owner of any dairy manufacturing plant with a reasonable proportion of the total cost of the services of the inspectors, graders, testers and weighers appointed under section 3, and in his discretion, may fix and determine the proportion, the times when it is payable and the method by which it is to be paid.

(2) All such assessments shall be a debt due from the respective owners to the Crown.

(3) The assessments when received by the Minister shall be deposited in a chartered bank or treasury branch in a special trust fund to be called "The Provincial Treasurer's Dairying Service Account".

(4) The Dairy Commissioner shall pay all proper expenditures or charges for those services out of The Provincial Treasurer's Dairying Service Account.

General

Regulations.

39. (1) For the purpose of carrying into effect the provisions of this Act, the Minister, with the approval of the Lieutenant Governor in Council, may make regulations,—

- (a) defining grade descriptions and grade standards of dairying products;
- (b) specifying the conditions upon which dairy products may be graded for the producers, manufacturers or owners thereof;
- (c) providing for the weighing of lots or shipments of dairy products and the issue of weight certificates in respect thereof, and prescribing the

form of such certificates and the conditions upon which the same may be issued;

- (d) prescribing requirements to be complied with in the location, construction, operation and maintenance of dairy manufacturing plants;
- (e) prescribing the type, amount and standard of equipment required in any dairy manufacturing plant;
- (f) prescribing methods of manufacturing, processing, dealing with or handling milk or cream in any dairy manufacturing plant;
- (g) prescribing standards of qualification for persons engaged in the grading, testing, manufacturing and processing of dairy products and providing for the issuance of licenses and permits;
- (h) prescribing maximum and minimum standards of price for milk, cream and butterfat or any of them or any grade or grades thereof;
- (i) prescribing the basis of calculation of standards of price having regard to all or any of the following circumstances, namely,—
 - (i) the prevailing market price of the commodity or of other commodities manufactured therefrom;
 - (ii) the manner of delivery;
 - (iii) the cost of delivery;
 - (iv) any advantage in the nature of a bonus or dividend which accrues or may accrue to the vendor in respect of the sale.
 - (v) any other circumstance which has any effect on the price;
- (j) prohibiting the sale of milk, cream and butterfat or any of them at a price which is greater than the maximum price or less than the minimum price prescribed in respect thereof;
- (k) governing generally all such matters as the Minister may consider necessary, advisable and convenient for the purpose of carrying into effect the provision of this Act.

Publication of regulations.

(2) Every regulation shall be published in *The Alberta Gazette* and shall come into force either on the date of publication or on such later date as may be prescribed for that purpose and upon so coming into force shall have the same force and effect as if the same had been expressly enacted as a part of this Act.

Board of Public Utility Commissioners empowered to act.

40. Whenever in this Act anything is directed to be done by the Minister with respect to any matter, the Lieutenant Governor in Council, upon the recommendation of the Minister, may refer the matter to the Board of Public Utility Commissioners who thereupon shall have the same powers to act in the matter as are conferred upon the Minister by this Act or such of them as may be delegated to the Board.

Offences and penalties.

41. Any person who,—

- (a) obstructs, hinders or impedes any inspector making or attempting to make any inspection or taking or attempting to take any sample pursuant to this Act; or
- (b) refuses to admit to any premises over which he has control any inspector who demands admission to the premises for the purpose of making any inspection or taking any samples, being premises to which an inspector is entitled to admission by virtue of this Act; or
- (c) fails to afford reasonable facilities for the making of any inspection; or
- (d) over-reads or under-reads any Babcock test made for any of the purposes of this Act;

shall in each case be guilty of an offence and liable on summary conviction to a penalty of not less than ten dollars nor more than one hundred dollars together with costs, and in default of payment to imprisonment for a term of not more than sixty days.

Contravention of Act an offence.

42. Any person who contravenes any of the provisions of this Act or of any regulation for which no penalty is specifically provided shall be guilty of an offence and liable on summary conviction to a fine of not more than fifty dollars and costs and in default of payment to imprisonment for not more than thirty days.

43. No justice of the peace having any pecuniary interest in a dairy manufacturing plant shall hear or determine any complaint under this Act.

Repeal.

44. *The Dairymen's Act*, being chapter 258 of the Revised Statutes of Alberta, 1942, is hereby repealed.

Coming into force.

45. This Act shall come into force on the first day of July, 1950.

THE DAIRYMEN'S ACT, 1950**Regulations Approved**

Edmonton, Saturday, August 5, 1950.

His Honour the Lieutenant Governor, by and with the advice of the Executive Council, has been pleased to order (pursuant to the provisions of section 39 of *The Dairymen's Act, 1950*), that the regulations attached hereto be and are hereby approved.

Further, that the regulations which were made by orders in council and Ministerial Orders, numbered and dated as follows, be and are hereby rescinded:

Order in council numbered 120-44 and dated June 21st, 1944;

Ministerial Orders dated:

May 23rd, 1927, Covering permit to transfer Milk and Cream.

July 9th, 1943, Covering check weighing of Butter.

January 14th, 1944, Regulations Cream Grade Standards.

January 14th, 1944, Check weighing butter certificate form.

May 1st, 1945, Covering Standards for Milk.

October 7th, 1946, Covering statement to Patrons.

(O.C. 970-50)

R. A. ANDISON,
Clerk of the Executive Council.

REGULATIONS UNDER THE DAIRYMEN'S ACT, 1950**Part I****LICENSES****Licenses for Testers and Graders**

1. (1) The Dairy Commissioner shall arrange for examinations of applicants for Milk and Cream Testers' and Milk and Cream Graders' and Testers' licenses under the provisions of *The Dairymen's Act, 1950*, and these Regulations.

(2) He may issue a license to each applicant who has passed the examination and has furnished satisfactory proof of being competent to operate the Babcock test and to grade and classify milk and cream according to Grade Standards and Descriptions made in that behalf under the provisions of *The Dairymen's Act, 1950*.

2. (1) Pending the holding of such examinations and the issue of such licenses, the Dairy Commissioner, upon being furnished with a reference, may issue to an applicant a written permit to operate the Babcock test and to grade and classify milk and cream until the applicant has had an opportunity to be examined.

- (2) No such permit shall be granted for a period of more than sixty days.
3. When the holder of a permit hereunder fails to attend or to pass an examination arranged as herein provided and of which written notice has been given, he shall be served with a notice in writing signed by the Minister, the Deputy Minister or the Dairy Commissioner that his permit is cancelled from the date stated in the notice and a copy of the notice shall be mailed immediately to the party of whom he is the employee or agent.
4. (1) The Milk and Cream Tester's license shall be in Form A in the Schedule to these Regulations and the Milk and Cream Grader's and Tester's license shall be in Form B in the Schedule to these Regulations.
- (2) The license fee shall be two dollars for each separate license.
- (3) Each license shall be posted in plain view in the testing or grading room of the dairy manufacturing plant in which the licensee is employed.
- (4) All regulations and circulars issued under this part shall be posted similarly when so designated.

Licenses for Creameries, Cheese Factories and Concentrated Milk Plants

5. (1) A separate license may be issued to and in the name of each person who operates a creamery, cheese factory or concentrated milk plant.
- (2) The place where such creamery, cheese factory or concentrated milk plant is operated shall be stated in the license.
- (3) The license fee shall be five dollars for each separate license and the license shall not be assignable.
6. (1) Before issuing a license, the Minister may require from the applicant a statement showing the resources actually available for financing the business to which the application relates.
- (2) The statement shall be verified by affidavit of the applicant.
7. Any license to operate a creamery, cheese factory or concentrated milk plant shall be in Form C in the Schedule to these Regulations and shall be displayed in plain view in the office of the creamery, cheese factory or concentrated milk plant in respect of which it is issued.
8. The license for each creamery, cheese factory and concentrated milk plant shall be renewed from year to year by the Minister, upon the recommendation of the Dairy Commissioner that such plant is in a satisfactory condition with respect to repair, equipment and sanitation.
9. The Dairy Commissioner may from time to time publish the name and address of each person, firm, company, corporation or association to whom a license has been granted under The Dairymen's Act, 1950, and these Regulations and in respect of whom a license so granted has been suspended or cancelled.
10. (1) The suspension or cancellation of any license under The Dairymen's Act, 1950, shall be effected by serving upon the holder thereof a written notice signed by the Minister, the Deputy Minister or the Dairy Commissioner.
- (2) After such service the holder of the suspended or cancelled license shall be considered as having no license thereunder for the period of the suspension or in the case of cancellation until a new license is granted.
- (3) No holder of a suspended or cancelled Milk and Cream Tester's license, or Milk and Cream Grader's and Tester's license shall appoint a substitute or act as a substitute under the provisions of section 34, subsection (3), of the said Act.

Part II

STANDARDS, TESTING AND RECORDS

Cream Grade Standards

11. (1) The following Grade Standards and Descriptions of cream shall be used and applied, and such Grade Standards and Descriptions shall be the only Grade Standards and Descriptions used, applied or advertised, or otherwise held out to be applied in grading cream at or through any creamery.

(a) **Table Cream:** This grade includes any lot of cream,—

- (i) that is sweet, clean-flavoured, non-frozen; and
- (ii) that is bought for resale for household use; and
- (iii) that is produced under conditions that comply with the special requirements of the municipality in which it is to be sold for consumption; and
- (iv) that has an acidity of not more than twenty one-hundredths of one per cent (.20%) at the time of grading.

(b) **Special Grade:** This Grade includes any lot of cream,—

- (i) that is clean in flavour and of uniform consistency; and
- (ii) that has an acidity of not more than thirty one-hundredths of one per cent (.30%) at the time of grading at the creamery where it is to be manufactured into butter.

(c) **First Grade:** This Grade includes any lot of cream,—

- (i) that is reasonably clean in flavour and of uniform consistency; and
- (ii) that is fit for making into butter of this grade; and
- (iii) that has an acidity of not more than sixty one-hundredths of one per cent (.60%) at the time of grading at the creamery where it is to be manufactured into butter.

(d) **Second Grade:** This grade includes any lot of cream that does not meet the requirements specified for the first grade, such as cream which is bitter, stale, musty, metallic or otherwise unclear in flavour.

(e) **Off Grade:** This grade includes any lot of cream with a very objectionable odour or flavour, such as kerosene, gasoline, stinkweed, onions or such other flavours as may render cream unfit for making into Second Grade butter.

(2) A copy of this section shall be posted in plain view in the grading room of every creamery operating in Alberta.

12. (1) For the purpose of designating any of the grade descriptions and trade terms upon the daily record, and upon the statements that are to be issued and delivered to patrons in compliance with the provisions of section 21 of the Act, the following abbreviations and no others may be used, namely:

- (a) "Table" for Table Cream;
- (b) "Sp." for Special Grade;
- (c) "X" for First Grade;
- (d) "2" for Second Grade; and
- (e) "O.G." for Off Grade.

(2) Any material variation between the daily record and any statement to a patron as to items of fact directed to be contained in both shall be deemed to be a violation of these Regulations and the person issuing or authorizing the issue of the statement to a patron containing such a variation shall be guilty of an offence and liable on summary conviction to a penalty of not less than ten dollars nor more than one hundred dollars.

13. Every person licensed to operate any creamery shall pay a premium of not less than,—

- (a) two cents per pound butterfat for Special Grade cream over First Grade cream;

- (b) three cents per pound butterfat for First Grade cream over Second Grade cream; and
- (c) five cents per pound butterfat for Second Grade cream over Off Grade cream.

Sampling, Testing, Care of Samples, Etc.

14. (1) All cream supplied by a patron to a dairy manufacturing plant shall be sampled for the purpose of determining the butterfat content.
- (2) A sample shall be representative, and shall consist of approximately four ounces taken from each lot or shipment received.
- (3) Each sample shall be placed immediately in a thoroughly cleaned and dried sample jar or bottle of that capacity, securely fitted with such a cover as will prevent the escape of any of the contents.
15. (1) All milk supplied by patrons to a dairy manufacturing plant shall be weighed and sampled daily.
- (2) Where butterfat tests are not made daily of each patron's milk, composite samples shall be kept with the aid of an approved preservative.
- (3) In no case shall the period between tests exceed sixteen days.
16. (1) In taking milk samples, every effort shall be made to obtain a representative sample.
- (2) Each composite sample shall be placed in a jar of at least eight ounce capacity that is fitted with a rubber stopper.
17. Where, in the opinion of the Dairy Commissioner, the quantity of whole milk purchased at any dairy manufacturing plant is sufficient to warrant it, the operator of the plant upon the request of the Dairy Commissioner shall provide a weighing can or dump tank with a minimum capacity of four hundred pounds and weighing and sampling shall be done in the said can or tank.
18. All samples of milk or cream taken pursuant to these Regulations shall be protected from extremes of temperature and shall be clearly marked or numbered to correspond with the identification mark or number entered upon the daily record described in sections 23 and 24.
19. (1) Cream samples shall be retained until four o'clock in the afternoon of the second working day following the taking of the samples.
- (2) Composite milk samples shall be retained until the complete samples for the following pay period have been taken.
- (3) After the butterfat content has been determined and during the holding period required by this section the samples shall not be opened except by a Dairy Inspector.
20. If required so to do by a Dairy Inspector any person licensed pursuant to section 1 shall re-test for butterfat in the presence of the Inspector up to fifty per cent of the number of samples of milk or cream held as provided herein, which had been previously tested by the licensee.
21. (1) Every dairy manufacturing plant shall provide,—
 - (a) complete Babcock testing equipment;
 - (b) sufficient sample bottles or jars to hold the samples of milk or cream taken and held as herein provided;
 - (c) a thermometer of known relative accuracy; and
 - (d) a suitable vessel for tempering the tests prior to reading the fat column of each such test.
- (2) The fat column shall be read at a temperature which is not over one hundred and forty and not under one hundred and thirty degrees Fahrenheit.
- (3) Cream tests shall be read with the aid of a meniscus remover approved by the Dairy Commissioner.
22. Every dairy manufacturing plant shall provide adequate equipment for determining the acidity of any lot of milk or cream including,—

- (a) a measuring device (Burette) graduated to one-tenth of one cubic centimeter;
- (b) a standard indicator; and
- (c) a neutralizer of known alkalinity.

Records and Statistical Data

23. The owner, operator, or manager, or other person in charge of a dairy manufacturing plant shall keep a daily record of all cream receipts showing in detail,—

- (a) the date of receipt;
- (b) the name and address of the patron;
- (c) the net weight and grade of the cream;
- (d) the number of containers and percentage and quantity of butterfat in each container;
- (e) the rate per pound butterfat; and
- (f) the amount of money paid for the same.

24. The owner, operator, or manager, or other person in charge of a dairy manufacturing plant shall keep a daily record of all milk receipts during each pay period showing in detail,—

- (a) the date of receipt;
- (b) the name and address of the patron;
- (c) the patron's number corresponding to the same number on the composite sample jar;
- (d) the weight and grade of milk;
- (e) the test of the composite sample;
- (f) the basis and rate of payment per pound butterfat or per one hundred pounds of milk as the case may be; and
- (g) the total amount paid.

25. (1) the separate entries upon the daily records shall be made in a legible manner and immediately after the weights, grades, butterfat tests and values of such milk or cream shall have been individually determined.

(2) The original record shall be signed by the person determining the same and shall be preserved by the owner, operator, manager or other person in charge of the dairy manufacturing plant for a period of at least twelve months.

(3) Any Dairy Inspector appointed under the Act may examine the same and make transcripts therefrom.

26. A clear and legible carbon copy of the daily records shall be furnished to the Dairy Commissioner as and when required.

27. (1) The Dairy Commissioner shall provide forms for the purpose of collecting information required by him relative to purchases, prices, disposition and product manufactured.

(2) All forms required shall be completed and returned to the office of the Dairy Commissioner within three days following the last day covered by the report.

(3) Creamery operators shall make such returns weekly and cheese factories and concentrated milk plants monthly.

28. The Dairy Commissioner shall collect, record and compile for the use of the Department such statistical and other returns as may be required under section 24 of the Act.

**Standard for Milk Purchased by Cheese Factories,
Concentrated Milk Plants or Dairies**

29. (1) The following Standard and Description of milk shall be used and applied, namely, milk purchased for the purpose of cheese-making, concentrating or resale shall be,—

- (a) the natural, whole, fresh, product obtained by the complete, uninterrupted milking of one or more healthy cows, excluding that obtained within fifteen days before and five days after calving; and
- (b) free from adulteration, such as the addition of any foreign, inferior or cheaper substance, or the removal of any valuable constituent; and
- (c) clean in flavour, of uniform consistency; and
- (d) free from blood, pus or disease-producing organisms and anything foreign to natural milk.

(2) If milk that does not qualify for the standard prescribed by subsection (1) has developed an acidity unsuitable for cheesemaking, concentrating or resale, is suitable for the manufacture of butter, it may be separated and purchased as churning butterfat, according to the Cream Grade Standards, or returned to the producer at his expense.

(3) When milk is separated and purchased at the plant as churning butterfat, the butterfat content shall be determined by multiplying the butterfat test by the weight of the milk.

(4) A copy of this section shall be posted in plain view in the receiving room of every cheese factory, concentrated milk plant and dairy operating in Alberta.

NOTE: This standard does not alter in any way Regulation No. 402 contained in order in council 525-34 as amended by order in council 544-35 and 129-46 made by the Provincial Board of Health pursuant to the provisions of The Public Health Act.

Part III

**Checking of Weights and the Issuing of Certificates
of Weights on Creamery Butter and Cheddar Cheese**

30. The owner of any lot of creamery butter or Cheddar cheese may have the same weighed in the manner provided by these Regulations.

31. At least ten per cent of the number of packages included in the lot shall be weighed.

32. (1) One package from each churning or vat in the lot shall be weighed, where possible.

(2) The packages weighed shall in every instance represent at least seventy-five per cent of the churnings or vats in the lot.

33. (1) Official weighers shall have the right to determine what packages shall be selected for weighing, up to ten per cent of the lot on which certificates are asked.

(2) On request of the owner all packages in the lot may be weighed and certified in accordance with these Regulations.

34. (1) Butter shall be weighed in the parchment liners, but with the box removed.

(2) Cheese shall be weighed with the box removed.

35. The owner of the butter or cheese shall be responsible for all handling of butter and cheese to be weighed and for removal of the same from boxes, and the duties of the official weigher shall consist only of checking and recording the weights.

36. (1) The actual "balance of beam" weight of each package weighed, less one-half pound allowance for parchment in the case of butter, shall be recorded by the official weigher on the Certificate of Weight.

(2) The unused portion of the Certificate of Weight shall be ruled out by the official weigher.

37. (1) Six copies of each Certificate of Weight shall be made out in Form D in the Schedule to these Regulations.

(2) Four copies shall be delivered to the owner of the butter or cheese, three of which shall be supplied to buyers.

(3) One copy shall be forwarded to the Dairy Commissioner, Department of Agriculture, Edmonton, and one shall be retained by the official weigher.

38. (1) In every case where an owner obtains the services of an official weigher under these Regulations, he shall pay therefor the sum of five cents for the weighing of each separate package.

(2) Such payments shall be made to the Dairy Commissioner, Department of Agriculture, Edmonton, and the proceeds shall be deposited to the credit of "The Provincial Treasurer, Dairying Service Account".

39. (1) Every Provincial Dairy Inspector is an official weigher and may issue Certificates of Weight.

(2) Any person other than a Provincial Dairy Inspector may be appointed by the Minister of Agriculture on the recommendation of the Dairy Commissioner as an official weigher.

Part IV

Permits to Transfer

40. (1) Every application pursuant to section 27, subsection (2) of the Act for a permit to transfer or forward milk or cream, shall be signed by the operator of a creamery, cheese factory or concentrated milk plant or his agent, and shall contain the location and name of the dairy manufacturing plant from which and to which the milk or cream referred to in the application is to be transferred or forwarded.

(2) The permit issued by the Minister authorizing the transfer or forwarding of milk or cream of the grade specified therein shall be in Form E in the Schedule to these Regulations.

41. (1) Any lot of milk or cream purchased by a creamery, cheese factory or concentrated milk plant and transferred or forwarded under the authority of a permit shall be clearly indicated upon the daily record of that creamery, cheese factory or concentrated milk plant, together with the number of the permit under which it was transferred or forwarded.

(2) The lot of milk or cream shall be transferred or forwarded in a container bearing the name and location of the dairy manufacturing plant from which it is being transferred or forwarded.

(3) A special report shall be made in duplicate and signed by the grader and the manager or other person in charge at the creamery, cheese factory or concentrated milk plant showing the pounds of milk or cream and butterfat contained in each shipment transferred or forwarded from that plant.

(4) The original of the special report shall be attached to the daily records which bear the entries of the milk or cream as purchased, and the duplicate shall be forwarded with the shipment to the dairy manufacturing plant receiving the same to be attached to the daily record of that plant bearing the entry of the receipt of the shipment.

42. (1) The suspension or cancellation of any permit granted under section 27, subsection (2) of the Act and these Regulations shall be effected by serving upon the holder thereof a written notice of suspension or cancellation signed by the Minister, the Deputy Minister or the Dairy Commissioner.

(2) After such service the holder of the suspended or cancelled permit shall be deemed to have no permit thereunder for the period of the suspension or, in the case of cancellation, until a new permit is granted.

SCHEDULE

FORM A

Province of Alberta—Department of Agriculture

No.

Fee \$2.00

MILK AND CREAM TESTER'S LICENSE

Under and by virtue of the power vested in the Minister of Agriculture under The Dairymen's Act, 1950, of the Province of Alberta, is hereby authorized to operate the Babcock test for the testing of milk and cream under the provisions of the said Act and the Regulations made thereunder.

Dated at Edmonton, Alberta, this day of
19.....

(SEAL)

.....
Dairy Commissioner.

FORM B

Province of Alberta—Department of Agriculture

No.

Fee \$2.00

MILK AND CREAM GRADER'S AND TESTER'S LICENSE

Under and by virtue of the power vested in the Minister of Agriculture under The Dairymen's Act, 1950, of the Province of Alberta, is hereby authorized to operate the Babcock test for the testing of milk and cream and to grade and classify the same under the provisions of the said Act and the Regulations made thereunder.

Dated at Edmonton, Alberta, this day of
19.....

(SEAL)

.....
Dairy Commissioner.

FORM C

Province of Alberta—Department of Agriculture

No.

Fee \$5.00

CREAMERY, CHEESE FACTORY OR CONCENTRATED
MILK PLANT LICENSE

Under and by virtue of the power so vested in the Minister of Agriculture under The Dairymen's Act, 1950, of the Province of Alberta, is hereby authorized to operate a at in the Province of Alberta, under the provisions of the said Act and the Regulations made thereunder.

Dated at Edmonton, Alberta, this day of
19.....

(SEAL)

.....
Minister of Agriculture.

FORM D

GOVERNMENT OF THE PROVINCE OF ALBERTA
DEPARTMENT OF AGRICULTURE
DAIRY BRANCH

CERTIFICATE OF WEIGHT—CREAMERY BUTTER AND
CHEDDAR CHEESE

(Section 39, The Dairymen's Act, 1950, Chapter 18, S.A., 1950.)

Per Order of At.....
Shipped in Car No. Billed to.....

Factory Reg. No.	Churning or Vat No.	No. Boxes	Check Weight	Factory Reg. No.	Churning or Vat No.	No. Boxes	Check Weight

Date of Weighing....., 19.... At....., Alberta

Product Weighed.....

I hereby certify that I personally weighed the above butter or cheese, and the weights recorded are actual balance beam weights after deducting ½ pound for parchment liners in the case of creamery butter.

No. Boxes in Lot

No. Boxes Weighed

Official Weigher.

FORM E

No.

PROVINCE OF ALBERTA—DEPARTMENT OF AGRICULTURE

Under and by virtue of the power vested in the Minister of Agriculture, under section 27, subsection (2) of The Dairymen's Act, 1950, operating a Creamery, Cheese Factory or Concentrated Milk Plant at is hereby authorized to transfer or forward purchased by them from their patrons at to at there to be manufactured or resold under the provisions of the said Act and the Regulations made thereunder.

Dated at Edmonton, Alberta, this day of 19....

(SEAL)

Minister.

This permit shall be effective only during the period from 19... to 19...., both dates inclusive.

Minister of Agriculture.

(Extract from The Alberta Gazette of August 15, 1950)

DEPARTMENT OF AGRICULTURE

MINISTERIAL ORDER

IN THE MATTER OF THE DAIRYMEN'S ACT, BEING CHAPTER 18
OF THE STATUTES OF ALBERTA, 1950
CREAM GRADING SERVICE CHARGES

I, David Alton Ure, Minister of Agriculture, by authority vested in me under section 38 of The Dairymen's Act being chapter 18 of the Statutes of Alberta, 1950.

Do hereby agree and order that effective as from and after the 3rd day of July, 1950, an assessment shall be made upon the owner of every creamery in the Province, based upon a general uniform rate of six cents (6c) for every hundred pounds of butterfat contained in the cream received at each such creamery and in the event of a Provincial dairy produce grader, tester and weigher being placed in any creamery under the provisions of the said section, a further Special Charge sufficient to cover the cost of the salary paid to such grader, tester, and weigher.

The said assessment shall be made each month, when the Dairy Commissioner shall forward by mail to the operator of the creamery a statement showing the amount owing by such creamery for cream grading service, which shall be payable within 15 days from the date of such statement.

Ministerial Order made the thirtieth day of June, 1932, entitled "Cream Grading Service Charges" is repealed as from the third day of July, 1950, but such repeal shall not effect any business transacted prior to the third day of July, 1950, to which said repealed Order shall in all respects apply.

Ordered and dated at Edmonton, Alberta, this 23rd day of June, 1950.

(Sgd.) D. A. URE,

Minister of Agriculture

(Extracts from *The Alberta Gazette* of July 15, 1950)

MILK CONTROL LEGISLATION—SASKATCHEWAN

CHAPTER 201

AN ACT respecting the Production, Supply, Distribution and Sale of Milk.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title.

1. This Act may be cited as *The Milk Control Act*. 1934-35, c. 58, s. 1.

Interpretation.

2. In this Act, unless the context otherwise requires, the expression:

"Distribute" and "distribution".

1. "Distribute" means the act of delivering, handling, keeping for sale or selling milk, but does not include the delivering, handling, keeping for sale or selling of milk by a producer where the milk is supplied to a licensed distributor or by a person operating a restaurant, store or other place of business designated by the regulations or orders of the board where the milk has been supplied to such person by a licensed distributor; and the expression "distribution" shall have a corresponding meaning;

"Milk."

2. "Milk" includes whole milk and such products of milk as are supplied, processed, distributed or sold in fluid form. 1939, c. 74, s. 2.

Organization of Board

Constitution.

3. (1) There shall be a board to be styled "The Milk Control Board", in this Act referred to as the board, to be composed of one or more members, as may be determined from time to time by the Lieutenant Governor in Council. The member or members of the board shall be appointed by and shall hold office during the pleasure of the Lieutenant Governor in Council, who shall designate one of the members of the board to be chairman, and if there is only one member he shall be chairman for the purposes of this Act.

(2) In case of the absence of any member of the board or his inability to act or in case of a vacancy in the office, the remaining members or member shall exercise the powers of the board.

(3) In the absence of the chairman all orders, rules, regulations and other documents may be signed by any one member and when so signed shall have the like effect as if signed by the chairman. Whenever it appears that a member other than the chairman has acted for and in place of the chairman it shall be conclusively presumed that he has so acted in the absence or disability of the chairman.

(4) If there is only one member of the board, the Lieutenant Governor in Council may appoint some person to take the place of that member when absent for any cause; and the person so appointed shall, while acting, be clothed with all the powers, exercise all the functions and perform all the duties of the board and subsection (3) shall apply to him accordingly.

(5) The member or members of the board shall receive such remuneration, allowances and expenses as may be determined by the Lieutenant Governor in Council.

(6) The chairman shall devote his whole time to the performance of his duties under this Act and shall not accept any office or employment inconsistent with this section and, for the purpose of *The Public Service Superannuation Act*, shall be deemed to be a permanent employee in the public service.

(7) The other member or members, if any, shall devote such time to the work of the board as may be required of them by the chairman and shall receive such remuneration as may be determined by the Lieutenant Governor in Council. 1934-35, c. 58, s. 3; 1936, c. 80, s. 2.

Where member interested.

4. If a member is interested in a matter before the board, the Lieutenant Governor in Council may, upon the application of such member or otherwise, appoint some disinterested person to act as a member *pro hac vice*, and the appoint some disinterested person to act as a member *pro hac vice*, and the sickness, absence or disability of a member. 1934-35, c. 58, s. 4.

Staff.

5. The Public Service Commission may, upon the recommendation of the board, appoint such inspectors and other employees as the board may from time to time deem necessary for carrying out the provisions of this Act. 1934-35, c. 58, s. 5.

Body corporate.

6. The board shall be a body corporate with perpetual succession and a common seal of such design as may be provided by the Lieutenant Governor in Council, and such seal shall be judicially noticed. 1934-35, c. 58, s. 6.

Powers of Board

Jurisdiction of board and power to make regulations.

7. (1) The board may, upon its own initiative or upon complaint in writing, inquire into any matter relating to the production, supply, distribution or sale of milk and may make such regulations or orders in connection therewith as it deems necessary or advisable.

(2) Without derogating from the generality of the foregoing the board may, by regulation or order:

- (a) prescribe the area or areas, whether bounded municipally or otherwise, in which such regulations or orders shall have effect;
- (b) require all persons who distribute, process, keep for sale or sell milk in any prescribed area to be authorized by the board so to do, and fix the terms and conditions upon and the period for which such authorization may be obtained;
- (c) prescribe the terms and conditions upon which milk may be received, handled, stored, delivered, processed, kept for sale or sold in any such area;
- (d) classify milk producers and distributors or other persons keeping milk for sale or selling milk;
- (e) notwithstanding anything herein contained, approve or establish from time to time temporary schedules of prices at which milk shall be supplied by the respective classes having regard primarily to the interests of the public, including consumers and those engaged in the production or distribution of milk, and to the continuity and quality of supply; and in so proceeding the board shall not be bound by any rule of law or public utility practice to see that any rate of return is provided on any plant, equipment or investment;
- (f) require persons who distribute, process, keep for sale or sell milk in any prescribed area to keep such books, records and accounts as will afford an intelligent understanding of the conduct of their business;
- (g) require persons who distribute, process, keep for sale or sell milk in any prescribed area to furnish periodically and at such other times as the board shall require, a detailed report of finances and operations in such form and containing such information and verified in such manner as the board may from time to time prescribe;
- (h) assess upon and collect from milk producers and persons who distribute, process, keep for sale or sell milk, or any of them, in any prescribed area, such sums as may be deemed necessary to be expended or have been expended in carrying out the provisions of this Act. Every such assessment shall rank in the same manner as a debt due to the Crown;
- (i) supervise the production, processing, distribution, keeping for sale and sale of milk within the areas prescribed under the provisions of this Act; provide for the licensing, if deemed expedient, of persons belonging to any of the respective classes referred to herein; and fix the licence fees and provide for the collection thereof. A licence issued to a distributor may limit the number of vehicles to be used by the licensee in the distribution of milk to consumers.

(3) All regulations and orders made under the authority of this section shall have the same force and effect as if incorporated herein. 1939, c. 74, s. 3.

Power to adopt regulations and orders.

8. (1) The board may adopt and from time to time amend any regulations or orders made by the Local Government Board under the authority of Part III of *The Local Government Board Act* as the same was in force before the first day of April, 1935.

(2) All regulations and orders adopted under subsection (1) and any amendments thereto made by the board shall have the same force and effect as if incorporated herein.

(3) A copy of any regulation or order adopted by the board under subsection (1), or of any amendment made by the board to regulations or orders so adopted, purporting to be certified by the chairman or any member of the board and to be sealed with the seal of the board, shall be *prima facie* evidence of such regulation or order or amendment and of the adoption of such regulation or order, without proof of the signature of the chairman or any member of the board. 1936, c. 80, s. 3; 1939, c. 74, s. 4.

Sittings.

9. The board shall sit at such times and places and conduct its proceedings in such manner as may seem to it most convenient for the speedy dispatch of business. 1934-35, c. 58, s. 9.

Use of court house.

10. (1) Where sittings of the board, or of any member thereof, are appointed to be held in a city, town or place in which a court house is situated, the member presiding at any such sittings shall have, in all respects, the same authority as a judge of the Court of King's Bench with regard to the use of the court house and other buildings or apartments set apart in the judicial district for the administration of justice; but subject to the prior right of the court and of judicial and administrative officers to use such buildings and apartments for the purposes of the administration of justice,

(2) Where sittings are appointed to be held in a municipality where there is a hall belonging to the corporation, the corporation shall, upon request, allow such sittings to be held in such hall. 1934-35, c. 58, s. 10.

Protection of witnesses.

11. (1) No person shall be excused from testifying or from producing any book, record, document or paper in any investigation or inquiry by or upon a hearing before the board when ordered so to do by the board, upon the ground that the testimony or evidence, book, record, document or paper required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence; provided, however, that no person so testifying shall be exempt from prosecution or punishment for perjury committed by him in his testimony.

(2) Nothing in this section shall be construed as giving to a corporation immunity of any kind.

(3) No member or employee of the board shall be required to give testimony in any civil suit to which the board is not a party, with regard to information obtained by him in the discharge of his official duty. 1934-35, c. 58, s. 11.

Receivers, etc., subject to board.

12. The fact that a receiver, manager or other official has been appointed by a court in the province in connection with the business or property of any person or company, or is managing or operating such business or property under the authority of a court, shall not prevent the exercise by the board of any jurisdiction conferred by this Act; but every such receiver, manager or official shall be bound by the regulations and orders of the board whether general or referring particularly to him; and every such receiver, manager or official, and every person acting under him, shall obey all regulations and orders of the board within its jurisdiction affecting him and be subject to have them enforced against him by the board, notwithstanding that such receiver, manager or official is appointed by or acts under the authority of the court. 1934-35, c. 58, s. 12.

Enforcement of orders.

13. (1) The observance of the orders of the board may be enforced by a written direction to the sheriff of any judicial district indorsed upon or annexed to a certified copy of any such order and signed by the chairman of the board; and, in the case of an order for payment of any money, costs, expenses including assessment made under clause (h) of subsection (2) of section 7, or penalty, the sheriff receiving such direction shall levy the amount with his costs and expenses in like manner and with the same powers as if the order were a writ of execution against the goods of the party to pay issued out of the Court of King's Bench.

(2) In the case of an order of the board for payment of any money, costs, expenses, including assessment made under clause (h) of subsection (2) of section 7, or penalty, a certificate of the order, signed by the chairman, may be

registered in the land titles office of any land registration district in the province, and when so registered shall constitute a lien and charge upon any lands or interest therein of the party or person or company ordered to pay the money in the land registration district in which such office is situated, to the same extent and in the same manner as such lands would be bound by the registration of a writ of execution issued out of the Court of King's Bench. The amount ordered to be paid by such order so registered may be realized in the same manner and by similar proceedings as in the case of a writ of execution issued out of the Court of King's Bench.

(3) Sheriffs, deputy sheriffs, bailiffs, constables and other peace officers, whenever required so to do, shall aid, assist and obey the board in the exercise of the jurisdiction conferred by this Act. 1934-35, c. 58, s. 13; 1939, c. 74, s. 5.

Hearings by single member.

14. (1) Any application, petition, matter or complaint over which the board has jurisdiction under this or any other Act may be heard by a single member of the board who, after such hearing, shall report thereon fully to the board, and the board may thereupon deal with the application, petition, matter or complaint as if such hearing had been before the full board.

(2) If such single member is the chairman of the board and the application, petition, matter or complaint is one respecting which notice is not required to be given, or being required has been duly given and the application, petition, matter or complaint is unopposed, he shall have and may exercise any of the powers of the board relating thereto, or he may hear the same and report thereon to the board, which shall deal with the report as if the hearing had been before the full board.

(3) The board shall not be limited to the contents of any such report, but may require and hear further evidence. 1934-35, c. 58, s. 14.

Service of documents.

15. (1) Any document purporting to be certified by the chairman and a member of the board, or by either of them, shall without proof of signature be *prima facie* evidence of such original document and that such document was duly signed and shall be sufficient notice to a company and all parties interested if served by delivering the same:

- (a) in the case of any company or corporation or receiver for any company or corporation, to the president, vice-president, manager or secretary, or to some adult person in its employ;
- (b) in the case of a co-partnership, to any member thereof or, at the last known place of abode of such member, to any member of his household or, at the office or place of business of the firm, to a clerk employed therein; and
- (c) in the case of an individual, to him or, at his last known place of abode, to any adult member of his household or, at his office or place of business, to a clerk in his employ.

(2) If it is made to appear to the satisfaction of the board that service of any such notice cannot conveniently be made in the manner herein provided, the board may order and allow service to be made by publication in *The Saskatchewan Gazette* or, if thought desirable, in a newspaper, and such publication shall be deemed to be equivalent to service in the manner provided for herein. 1934-35, c. 58, s. 15.

Notice of application in contentious matters.

16. In contentious matters, the board may require such notice of an application to or hearing by the board to be given as it deems requisite. 1934-35, c. 58, s. 16.

General rules.

17. The board may make general rules regulating practice and procedure. 1934-35, c. 58, s. 17.

Orders of the Board

Orders may be conditional.

18. (1) The board may direct in any order that the same, or any portion or provision thereof, shall come into force at a future fixed time, or upon the happening of any contingency, event or condition in such order specified, or upon the performance, to the satisfaction of the board or person named by it for the purpose, of such terms as the board may impose upon any party interested; and the board may direct that the whole or any portion of such order shall have force for a limited time or until the happening of any specified event.

(2) The board may, instead of making an order final in the first instance, make an interim order and reserve further direction, either for an adjourned hearing of the matter or for further application. 1934-35, c. 58, s. 18.

Extent of relief.

19. Upon any application to the board, the board may make an order granting the whole or part only of such application, or may grant such further or other relief in addition to, or in substitution for, that applied for as to the board seems just and proper, as fully and in all respects as if application had been for such partial, further or other relief. 1934-35, c. 58, s. 19.

Interim ex parte order.

20. The board may, if the special circumstances of any case, in its opinion, so require, make an interim *ex parte* order authorizing, requiring or forbidding anything to be done which the board would be empowered on application, petition, notice and hearing to authorize, require or forbid, but no such order shall be made for a longer time than the board deems necessary to enable the matter to be heard and determined. 1934-35, c. 58, s. 20.

Extension of time.

21. When any work, act, matter or thing is, by any regulation, order or decision of the board, required to be done, performed or completed within a specified time, the board may, if the circumstances of the case in its opinion so require, upon giving such notice as it deems reasonable, or in its discretion without notice, extend the time so specified. 1934-35, c. 58, s. 21.

Rehearing.

22. The board may rehear an application before deciding it, or may review, rescind, or vary any decision or order made by it. 1934-35, c. 58, s. 22.

Jurisdiction need not be shown.

23. An order of the board need not show upon its face that any proceeding or notice was had or taken or that any circumstance existed, necessary to give it jurisdiction to make such order. 1934-35, c. 58, s. 23.

Inquiry by appointee.

24. The board may appoint or direct any person to make an inquiry or report on any matter over which the board has jurisdiction. The board may by order, after due hearing, assess the costs of and occasioned by such inquiry or report against such person or persons as the board deems responsible for the circumstances necessitating the making of the inquiry or report. 1934-35, c. 58, s. 24; 1939, c. 74, s. 6.

Powers of inspection and examination.

25. The board, or any person authorized by the board to make an inquiry or report, may:

- (a) enter upon and inspect any place, building, plant or property other than a dwelling house;
- (b) require the attendance of all such persons as it or he thinks fit to summon and examine and require answers or returns to such inquiries as it or he thinks fit to make;
- (c) require the production of books, records, papers and other documents;
- (d) administer oaths, affirmations or declarations;

and shall have the like power to summon witnesses, enforce their attendance and compel them to give evidence and produce the books, records, papers and other documents, which it or he may require them to produce, as is vested in the Court of King's Bench. 1934-35, c. 58, s. 25; 1939, c. 74, s. 7.

Powers of inspectors.

26. An officer or inspector appointed under this Act may:

- (a) enter and inspect any place, building, plant or property other than a dwelling house;
- (b) stop and search any vehicle and inspect any package or container if, in his opinion, such vehicle, package or container is being used for the purpose of distributing milk;
- (c) require answers or returns to such inquiries as he thinks fit to make;
- (d) require the production of books, records, papers and other documents;
- (e) seize all or any portion of any milk found to be in the possession of any person when, in his opinion, such milk is being distributed, and may dispose of it in such manner as the board may direct;
- (f) take such quantities of any lot of milk as may be reasonably required for the purpose of ascertaining the composition of the same. 1939, c. 74, s. 8.

Obstructing officials.

27. Any person who refuses admission to or obstructs an officer or inspector in the performance of his duty shall be guilty of an offence and liable on summary conviction to a fine of not less than \$10 nor more than \$100 and, in default of payment, to imprisonment for a period not exceeding thirty days. 1939, c. 74, s. 8.

Licence required.

28. No person who is required to be licensed under the authority of this Act shall keep for sale or sell milk or engage in the production, processing or distribution thereof without a licence. 1934-35, c. 58, s. 26.

Restriction on grant of licence.

29. No licence shall be issued to any person unless the board is satisfied that the applicant is qualified by experience, financial responsibility and equipment to conduct the business in a proper manner and that the issue of such licence is in the public interest. 1939, c. 74, s. 9.

Refusal, suspension and cancellation of licences.

30. The board may refuse to issue or renew a licence or may suspend or cancel a licence issued by it if, after due notice and opportunity of a hearing to the applicant or holder of a licence, the board is satisfied that such applicant or holder has failed to observe, perform and carry out the provisions of this Act or any regulations or orders made thereunder or to provide for and continue in effect proof of financial responsibility. 1939, c. 74, s. 9.

Compliance with Act.

31. No person shall keep for sale or sell milk or engage in the production, processing or distribution thereof except as provided by and in accordance with this Act and the regulations and orders of the board made thereunder. 1934-35, c. 58, s. 27.

Appeal to Court of Appeal.

32. (1) An appeal shall lie from the board to the Court of Appeal upon a question of jurisdiction, but such appeal shall not lie unless leave to appeal is obtained from a judge of the Court of King's Bench sitting in chambers within one month after the making of the order or decision sought to be appealed from or within such further time as the judge, under the special circumstances of the case, shall allow, after notice to the opposite party stating the grounds of appeal.

(2) Upon such leave being obtained, the registrar shall set the appeal down for hearing at the next sittings; and the party appealing shall, within ten days, give the parties affected by the appeal, or the solicitors, if any, by whom such parties were represented before the board, notice in writing that the case has been so set down and the appeal shall be heard by the court as speedily as practicable.

(3) On the hearing of the appeal the court may draw all such inferences as are not inconsistent with the facts expressly found by the board and are necessary for determining the question of jurisdiction, and shall certify its opinion to the board and the board shall make an order in accordance with such opinion.

(4) The board shall be entitled to be heard by counsel or otherwise, upon the argument of any such appeal.

(5) The Court of Appeal shall have power to fix the costs and fees to be taxed, allowed and paid upon such appeal and to make rules of practice respecting appeals under this section, and until such rules are made the rules and practice applicable to appeals from a judge of the Court of King's Bench to the Court of Appeal shall be applicable to appeals under this Act.

(6) Neither the board nor any member of the board shall in any case be liable to costs by reason or in respect of an appeal or application.

(7) Every decision or order of the board shall be final and, except as hereinbefore especially provided, no regulation, order, decision or proceeding of the board shall be questioned or reviewed, restrained or removed by prohibition, injunction, certiorari, or other process or proceeding in any court. 1934-35, c. 58, s. 28.

Miscellaneous

Evidence of documents.

33. (1) Every document purporting to be signed by the chairman of the board and by any member, or either of them, or by a person authorized by the board, shall, without proof of the signature, be *prima facie* evidence that such document was duly signed, and shall be sufficient notice to a company and all parties interested, if served in the manner provided by section 15 for service of notice, that such document was duly signed and issued by the board or person authorized by the board, as the case may be.

(2) If such document purports to be a copy of any regulation, order, direction, decision or report, made or given by the board, or person authorized by the board, it shall be *prima facie* evidence of such regulation, order, direction, decision or report and, when served in the manner provided by section 15, shall be sufficient notice of such regulation, order, direction, decision or report from the time of such service.

(3) A copy of any regulation, order or other document in the custody of the chairman or any member of the board, or of record with the board, purporting to be certified by the chairman or any member of the board to be a true copy, and purporting to be sealed with the seal of the board, shall be *prima facie* evidence of such regulation, order or document, without proof of the signature of the chairman or any member of the board. 1934-35, c. 58, s. 29.

Certificate of analyst.

34. In any prosecution under this Act, the certificate of analysis furnished by the Provincial Analyst or an assistant Provincial Analyst or any other person engaged by the board for the purpose shall be accepted as *prima facie* evidence of the facts stated therein and of the authority of the person giving or issuing the certificate without further proof of appointment or signature. 1939, c. 74, s. 10.

Penalties.

35. (1) Every person who violates any of the provisions of this Act or any regulation or order of the board made under section 7 or any regulation or order adopted by the board under subsection (1) of section 8 or so adopted and amended by the board, shall be guilty of an offence and liable on summary

conviction, in the case of a first offence, to a fine of not less than \$5 nor more than \$50 and in default of payment to imprisonment for a period not exceeding thirty days; and, in the case of a subsequent offence, to a fine of not less than \$10 nor more than \$100 and in default of payment to imprisonment for a period not exceeding two months.

(2) In case of a continuing offence the offender shall from time to time be liable on summary conviction to a fine of not less than \$5 nor more than \$25 for each day during which the offence continues or to imprisonment for not less than one month or to both fine and imprisonment. 1939, c. 74, s. 11. •

Regulations.

36. For the purpose of carrying out the provisions of this Act according to their true intent and of supplying any deficiency therein the board may make regulations not inconsistent with the spirit of this Act which shall have the same force and effect as if incorporated herein. 1934-35, c. 58, s. 31.

Advance for expenses.

37. The Lieutenant Governor in Council may authorize the Provincial Treasurer to lend from time to time to the board, upon such terms and conditions as may be deemed advisable, such sums as are necessary for the purpose of carrying out the provisions of this Act. The moneys advanced shall be a first charge on revenues of the board under this Act. 1934-35, c. 58, s. 32.

Annual report.

38. (1) The board shall make an annual report in writing to the President of the Executive Council not later than the thirty-first day of January in each year showing a record of meetings, a statement of revenues and expenditures and an abstract of proceedings during the preceding calendar year and containing such other matter as the board considers to be in the public interest in which the Lieutenant Governor in Council may direct.

(2) The report shall be laid before the Legislative Assembly during the first fifteen days of the then next ensuing session or within fifteen days of its receipt if the Legislature is then sitting. 1934-35, c. 58, s. 33.

Receipts and expenditures.

39. All moneys received and expended by the board shall be accounted for in accordance with regulations made or to be made by the Treasury Board. 1934-35, c. 58, s. 34.

Audit.

40. The Provincial Auditor shall audit all account of the board. 1934-35, c. 58, s. 35.

FISHERIES LEGISLATION

THE NOVA SCOTIA FISHERIES ACT & REGULATIONS THE MANITOBA FISH INSPECTION ACT

Chapter 11 of the Acts of 1946 (Passed 18-Apr.-46)
as amended by

Chapter 71 of the Acts of 1948 (Passed 20-Apr.-48)

Be it enacted by the Governor and Assembly as follows:

SHORT TITLE

1. This Act may be cited as The Nova Scotia Fisheries Act.
2. In this Act, unless otherwise indicated or unless the context otherwise requires, the expression:
 - (a) "Cannery" means buildings, structures, machinery, appurtenances, appliances, apparatus, and chemicals occupied or used in the business of canning or bottling fish or shellfish;

- (b) "Fish plant" means buildings, structures, machinery, appurtenances, appliances, apparatus and chemicals occupied or used:
- (i) to prepare, cut or otherwise process any type of salt fish or fishery product for sale whether or not further treated by smoking, cutting or drying and whether or not in barrels, butts, tubs or other containers and whether or not sold in such containers;
 - (ii) to prepare fish or shellfish for sale by icing, cutting, shucking or any other method or combination of methods and whether or not smoked or otherwise processed;
 - (iii) to freeze fish or shellfish for sale;
 - (iv) to store or handle fish or shellfish or to store or handle fish or shellfish on behalf of any other person;
 - (v) to prepare fertilizer, animal or poultry food, meal, vitamin concentrates or glue by the frying, cooking or other treatment of fish or shellfish;
 - (vi) to prepare fish oils whether such oils are refined or not;
- but does not include buildings, structures, machinery, appurtenances, appliances, apparatus and chemicals occupied or used by
- (i) a fisherman who prepares, stores or handles fish or shellfish caught only by himself;
 - (ii) a person who prepares, stores or handles fish or shellfish for the purpose only of resale by him at retail or for his personal and occasional use.
- (c) "Fish" means all species commonly known as fish and includes whales, seals and other marine animals and cuttings, parts and products of fish, but does not include shellfish;
- (d) "Shellfish" means all species of mollusks and crustaceans and cuttings, parts and products of all such shellfish;
- (e) "Fisherman" means every person who takes, attempts to take, or assists in taking fish or shellfish from the sea whether as boat puller, navigator or in any other capacity whatsoever;
- (f) "Minister" means Minister of Trade and Industry;
- (g) "Regulations" means regulations made from time to time under the provisions of this Act.

Part 1

Administration of Act

3. For the purposes of this Act, such deputies, inspectors, officials and clerks as may be deemed necessary shall be appointed under the provisions of The Civil Service Act, provided that the Minister may appoint as inspectors such other persons as he may deem necessary whether or not such persons are otherwise appointed under the said The Civil Service Act.

4. (1). For the purposes of enforcing any of the provisions of this Act, or any of the regulations, the Minister and such deputies, inspectors, officials and clerks as are thereunto authorized in writing by the Minister may enter upon and pass through or over private property without being liable for trespass and may without warrant enter into or upon any land or structure or any other place or thing and may inspect and examine any cannery or fish plant and everything contained therein and on the premises thereof.

(2) Every person who obstructs, hinders, delays or interferes with the Minister or any person appointed by the Minister under sub-section (1) of this Section in the exercise of any of the powers set out therein shall be liable to a penalty.

Part 2**Licenses to Operate Canneries and Fish Plants**

5. (1) No person shall operate a cannery or fish plant unless such person holds a license issued therefor, hereinafter referred to as a Fish Plant License.

(2) Every Fish Plant License shall contain the name and address of the licensee, the location of the cannery or fish plant and the operation or operations authorized to be carried on under the license. Any such Fish Plant License may, on the application of the Licensee, be amended from time to time in respect of the operation or operations mentioned therein. No person shall conduct or carry on any operation not specifically mentioned in and authorized under the license issued to such person. Every such license shall expire on the 30th day of November in each year.

(3) No Fish Plant License shall be transferable except that when a change of ownership of any cannery or fish plant has occurred the Minister may consent to a transfer of the license to the new owner.

(4) Application for a Fish Plant License shall be made in such form and in such manner as may be provided in the regulations.

(5) The annual fee for every such license shall be such sum not more than Ten Dollars as the Governor in Council may from time to time determine.

6. The Minister may in his discretion issue or refuse to issue any Fish Plant License or any Purchaser's License, and may in his discretion cancel or suspend, either in whole or in respect of any operation or operations any license so issued.

7. (1) No person shall, either as principal or agent, directly or indirectly, or through the intervention of any other person, purchase, offer to purchase or collect any fish or shellfish direct from any fisherman or handle any fish on behalf of any fisherman unless such person holds a Purchaser's License.

(2) The provisions of sub-section (1) of this Section shall not apply to a person who holds a Fish Plant License nor to a person who purchases fish or shellfish direct from any fisherman for the purpose only of resale by him at retail or for his personal and occasional use.

(3) Every Purchaser's License shall contain the name and address of the licensee and every such license shall expire on the 30th day of November in each year.

(4) No Purchaser's License shall be transferable.

(5) Application for every Purchaser's License shall be made in such form and in such manner as may be provided in the regulations.

(6) The annual fee for every Purchaser's License shall be such sum not more than Ten Dollars as the Governor in Council may from time to time determine.

8. No person required by this Act to hold a Fish Plant License shall purchase within the Province any fish or shellfish from any person who is required by this Act to hold a Purchaser's License unless such last mentioned person is the holder of a Purchaser's License.

9. Every person holding a Fish Plant License or a Purchaser's License shall keep such records and make such returns as may be prescribed in the regulations.

Part 3**Application to the Province of Certain Statutes
of the Parliament of Canada**

10. The provisions of that part of the Meat and Canned Foods Act which deal with canned fish or shellfish and canneries and the provisions of the Fish Inspection Act which deals with the inspection of certain pickled, salted and other kinds of fish or shellfish enacted by the Parliament of Canada and the

amendments heretofore made thereto, so far as any of them are within the legislative competence of this Legislature, shall have the force of law in the Province of Nova Scotia as if enacted by this Legislature and unless and until otherwise enacted by this Legislature shall remain in full force and effect in this Province.

11. The Governor in Council may by proclamation declare any amendment hereafter made to the said Acts and any regulations made thereunder so far as any of them are within the legislative competence of this Legislature, to have the force of law in the Province of Nova Scotia as if enacted by this Legislature and unless and until otherwise enacted by this Legislature such amendment or regulations shall remain in full force and effect in this Province.

12. The Governor in Council may proclaim that any or all of the provisions of The Fisheries Act, enacted by the Parliament of Canada, shall be deemed to be included in Section 10 and from and after the date of such proclamation Sections 10 and 11 shall apply to such provisions as if specifically mentioned in Section 10.

Part 4

Regulations

13. (1) The Governor in Council may from time to time, amend, alter or revoke regulations not inconsistent with this Act providing for:

- (a) the form and manner in which applications for Fish Plant Licenses shall be made;
- (b) the keeping of records of operations of canneries and fish plants and for the information required to be set out in respect of such operations;
- (c) the form and manner in which applications for Purchaser's Licenses shall be made;
- (d) the establishing of standards for the construction, equipment, operating methods and sanitation of canneries and fish plants;
- (e) the grading of fish and shellfish;
- (f) the inspection of canneries and fish plants;
- (g) the inspection and marking of containers and labels for fish and shellfish;
- (h) any other purpose elsewhere indicated in this Act;
- (i) the better carrying out of the provisions of this Act and for the more efficient administration thereof.

(2) All such regulations and any amendment, alteration or revocation thereof shall become effective in all respects upon the publication thereof in the Royal Gazette.

Part 5

Penalties

14. Every person who violates any of the provisions of Section 5, 7 or 8 shall be liable to a penalty not exceeding one hundred dollars and in default of payment to imprisonment for a term not exceeding fifty days and each day that any such violation continues shall constitute a separate offence.

15. Except as otherwise provided in this Act, the provisions of Section 83A of the Nova Scotia Summary Convictions Act shall apply where any person violates any of the provisions of this Act or of the regulations made thereunder.

Part 6

Acts Repealed

16. The Acts set out in the Schedule hereto are hereby repealed.

17. This Act shall come into force on, from and after and not before such day as the Governor in Council orders and declares by proclamation.

Schedule

Chapter 68, Revised Statutes 1923
Chapter 189, Revised Statutes 1923
Chapter 191, Revised Statutes 1923
Chapter 192, Revised Statutes 1923
Chapter 13, Acts of 1932
Chapter 13, Acts of 1933
Chapter 41, Acts of 1945

REGULATIONS

Made Under the Authority of

THE NOVA SCOTIA FISHERIES ACT

1. In these Regulations, unless the context otherwise requires, the expression
 - (a) "Act" means the Nova Scotia Fisheries Act.
 - (b) "Canning" means packing and processing in hermetically sealed containers.
 - (c) "Fish" does not include shellfish.
 - (d) "Inspector" means any person appointed to act as an Inspector pursuant to the Act.
 - (e) "Shellfish" means all species of mollusks and crustaceans.
2. Fish Plant Licenses shall be in the forms set forth in Appendices A, B and C hereto.
3. The operations which may be authorized in any one of the licenses aforementioned shall be limited to those specified hereunder in respect to each license, provided, however, that the Minister may, if he deems necessary, further limit the number or type of such operations to be performed and carried out under any or all forms of Fish Plant Licenses.
4. A Fish Plant License, Form A, as set forth in Appendix A hereto, may authorize:
 - (a) The preparation of fish for sale in the fresh state;
 - (b) The mild smoking of fresh fish;
 - (c) The freezing of fresh or mild smoked fish;
 - (d) The curing of fish in salt or pickle or vinegar;
 - (e) The further curing of salt fish by drying or smoking;
 - (f) The canning of fish or products thereof;
 - (g) The preparation of undried fish waste for sale in the frozen or unfrozen state;
 - (h) The storage of fish in an unfrozen state;
 - (i) The cold storage of frozen fish;
 - (j) The packaging for shipment, sale or delivery of the products and by-products accruing from such operations;
 - (k) Any other operation necessary and incidental to those specified above.
5. (1) A Fish Plant License, Form B, as set forth in Appendix B hereto, may specify the kinds or species or shellfish which may be prepared or packed for market.
 - (2) In respect to shellfish other than lobsters, said form of license may authorize:
 - (a) The packing of unshucked shellfish for sale or shipment in the shell;
 - (b) The shucking of shellfish;
 - (c) The packing and freezing of shucked shellfish;
 - (d) The packing of unfrozen shucked shellfish;
 - (e) The canning of shellfish or shellfish products;

- (f) The storage or packaging for shipment, sale or delivery of the products and by-products accruing from such operations;
- (g) Any other operation necessary and incidental to those specified above
- (3) In respect to lobsters, said form of license may authorize:
 - (a) The packing of live lobsters for sale or shipment as such;
 - (b) The cooking or freezing and packing of lobsters for sale or shipment in the shell;
 - (c) The cooking and shucking of lobsters;
 - (d) The chilling and packaging of cooked lobster meat for sale or shipment in the unfrozen state;
 - (e) The freezing and packaging of cooked lobster meat for sale or shipment in the frozen state;
 - (f) The canning of lobsters, tomalley or lobster paste;
 - (g) The storage or packaging for shipment, sale or delivery of the products and by-products accruing from such operations;
 - (h) Any other operation necessary and incidental to those specified above.

6. A Fish Plant License, Form C, as set forth in Appendix C hereto, may authorize:

- (a) The preparation of undried fish and shellfish waste for sale in the frozen or unfrozen state;
- (b) The reduction of fish and shellfish waste by methods resulting in the products commonly known as fish meal, fish oils, fish-liver oils, or fish-liver meal, glue;
- (c) The refining of fish or fish-liver oils;
- (d) The preparation of vitamin products or concentrates from fish and shellfish waste;
- (e) The storage or packaging for shipment, sale or delivery of the products and by-products accruing from such operations;
- (f) Any other operation necessary and incidental to those specified above.

7. No Fish Plant License shall be valid for any operation or location other than those stated therein.

8. (1) Applications for Fish Plant Licenses shall be made in the forms set forth in Appendices F and G hereto and shall be submitted in accordance with the instructions contained in such forms.

(2) No licenses shall be issued unless and until the certificate appended to the application therefor has been signed by an Inspector.

(3) No Fish Plant License, Form B, will be issued in respect to shellfish other than lobsters unless and until the additional certificate appended to the form set forth in Appendix G has been signed by a sanitary engineer of the Department of National Health and Welfare of the Dominion of Canada.

9. (1) The holder of a Fish Plant License which is in force shall keep such license prominently displayed in the licensed premises.

(2) All amendments to any such license shall be displayed in the same manner and place as the license to which they refer.

10. (1) Purchasers' Licenses shall be in the forms set forth in Appendices D and E hereto.

(2) Said Licenses shall not convey nor imply any right, permission or authority to operate a Fish Plant or Cannery within the meaning and intent of the Act or of these Regulations.

11. (1) Application for a Purchaser's License by a person who intends to purchase or collect fish or shellfish or products thereof from fishermen otherwise than as a salaried agent of a holder of a Fish Plant License which is in force

shall be made in the form set forth in Appendix H hereto and shall be submitted directly to the Fisheries Division, Department of Trade and Industry, Provincial Building, Halifax, N.S.

(2) Applications for Purchasers' Licenses in behalf of persons who purchase or collect fish or shellfish or products thereof solely as salaried agents of a holder of a Fish Plant License which is in force shall be submitted by the employer. The submission of the forms set forth in Appendices F and G showing the full names and addresses of such purchaser shall constitute an application for licenses for such persons, or application may be made at any time by letter directly to the Fisheries Division, Department of Trade and Industry. Every such employer shall notify the said Fisheries Division when any employee to whom a Purchaser's License, Form B, has been issued ceases to be in his employ or ceases to be authorized to purchase fish, shellfish or products thereof in his behalf.

12. The holder of a Purchaser's License which is in force shall at all times keep such license upon his person and shall upon request produce the same for the inspection of any person from whom he purchases or receives fish or shellfish or products thereof or to whom he sells or delivers the same or for the inspection of any deputy, official or inspector appointed or authorized under the Act.

13. No Fish Plant License or Purchaser's License shall be issued unless the Fish Plant, Cannery or Purchaser conforms to the Fish Inspection Act, the Fisheries Act and the Meat and Canned Foods Act of Canada and amendments thereto and the Regulations from time to time made thereunder, and any license may be cancelled or suspended in whole or in part for any contravention of, or failure to comply with, the provisions of the said Acts and Regulations.

14. The annual fee for each Fish Plant License or Purchaser's License shall be the sum of Two Dollars payable at the time of application, provided that no fee shall be payable in respect to Purchasers' Licenses, Form B, issued to persons who purchase fish solely as salaried agents of a holder of a Fish Plant License which is in force, provided further that in cases where more than one Fish Plant License is issued to one and the same person in respect to one and the same location, said annual fee shall be payable in respect to one only of the licenses so issued in any one period of twelve months ending on the 30th day of November.

15. For the purposes of these Regulations, any group of establishments or premises operated by one and the same person and situated on one and the same wharf or on parcels of adjoining land shall be considered as being situate at the one location.

16. When a license is suspended in whole or in part, it shall be invalidated to the extent of such suspension for the period of such suspension, and if it is suspended in whole or cancelled it shall be surrendered on the demand of any deputy, official or inspector appointed under the Act.

APPENDIX A

PROVINCE OF NOVA SCOTIA

Plant Registration No.

License No.

DEPARTMENT OF INDUSTRY AND PUBLICITY
FISHERIES DIVISION

Fish Plant License

Form A

(Not valid in respect to shellfish and crustaceans)

Name of Licensee.....

Location of Plant.....

The licensee named above is authorized to operate a fish plant at the location designated above and to conduct and carry on therein the following operations:

This license does not convey any right, permission or authority to purchase, prepare, store or otherwise handle shellfish or crustaceans.

This license is valid only for the operations specified herein and is not transferable except with written permission of the Minister of Industry and Publicity.

The issue of this license and the exercise of the rights granted hereby are subject to the provisions of the Nova Scotia Fisheries Act and the Regulations made thereunder, and any contravention of, or failure to comply with, the said Act and Regulations, or any provision thereof, or any condition expressed herein, shall be good and sufficient cause for the suspension or cancellation of this license.

This license expires on the 30th day of November.....

Dated at Halifax, N.S., this

.....day of.....

Minister of Industry & Publicity,
Director of Fisheries.

19.....

APPENDIX B

PROVINCE OF NOVA SCOTIA

Plant Registration No.

License No.

DEPARTMENT OF INDUSTRY AND PUBLICITY
FISHERIES DIVISION

Fish Plant License

Form B

(Valid only for the species of shellfish or crustaceans or the products named hereunder).

Name of Licensee.....

Location of Plant.....

The Licensee named above is authorized to operate a fish plant at the location designated above and to conduct and carry on therein the following operations:

This license does not convey any right, permission or authority to purchase, prepare, store or otherwise handle any fish or shellfish other than those named herein.

This license is valid only for the operations specified herein and is not transferable except with written permission of the Minister of Industry & Publicity.

The issue of this license and the exercise of the rights granted hereby are subject to the provisions of the Nova Scotia Fisheries Act and the Regulations made thereunder, and any contravention of, or failure to comply with the said Act and Regulations, or any provision thereof, or any condition expressed herein, shall be good and sufficient cause for the suspension and cancellation of this license.

This license expires on the 30th day of November

Dated at Halifax, N.S., this

.....day of.....

Minister of Industry & Publicity,
Director of Fisheries.

19.....

APPENDIX "C"

PROVINCE OF NOVA SCOTIA

Plant Registration No.

License No.

DEPARTMENT OF INDUSTRY AND PUBLICITY FISHERIES DIVISION

Fish Plant License

Form C

(Valid only for the fish waste reduction processes specified hereunder)

Name of Licensee.....

Location of Plant.....

The licensee named above is authorized to operate a fish plant at the location designated above and to conduct and carry on therein the following operations:

This license is valid only for the operations specified herein and is not transferable except with written permission of the Minister of Industry & Publicity.

The issue of this license and the exercise of the rights granted hereby are subject to the provisions of the Nova Scotia Fisheries Act and the Regulations made thereunder, and any contravention of, or failure to comply with, the said Act and Regulations, or any provision thereof, or any condition expressed herein, shall be good and sufficient cause for the suspension or cancellation of this license.

This license expires on the 30th day of November

Dated at Halifax, N.S., this

.....day of.....

Minister of Industry & Publicity,
Director of Fisheries.

19.....

APPENDIX "D"

PROVINCE OF NOVA SCOTIA

License No. A

DEPARTMENT OF INDUSTRY AND PUBLICITY
FISHERIES DIVISION

Purchaser's License

Form A

(Not valid for the operation of a fish plant or cannery)

Under authority of the Nova Scotia Fisheries Act the Minister of Industry and Publicity issues to

.....
of
this license to purchase, receive or collect fish and to transport, convey, ship or deliver the same in accordance with the said Act and Regulations.

This license is not transferable.

The issue of this license and the exercise of the rights granted hereby, are subject to the provisions of the said Act and Regulations, and any contravention of, or failure to comply with, the said Act and Regulations, or any provision thereof, or any condition expressed herein, shall be good and sufficient cause for the suspension or cancellation of this licence.

This license expires on the 30th day of November.....

Dated at Halifax, N.S., this

.....day of.....

Minister of Industry & Publicity,
Director of Fisheries.

19.....

APPENDIX "E"

PROVINCE OF NOVA SCOTIA

License No. B

DEPARTMENT OF INDUSTRY AND PUBLICITY
FISHERIES DIVISION

Purchaser's License

Form B

(Valid only for the purchase of fish and fishery products by the licensee as an agent for the principal named herein)

Under authority of the Nova Scotia Fisheries Act the Minister of Industry and Publicity issues to

.....
of
agent for.....
this license to purchase, receive or collect fish and to transport, convey, ship or deliver the same in accordance with the said Act and Regulations.

This license is valid for the transactions and operations stated above only when performed by the licensee for or in behalf of the principal named above.

This license does not convey any right, permission or authority to operate a fish plant or cannery within the meaning and intent of the said Act and Regulations.

This license is not transferable.

The issue of this license and the exercise of the rights granted hereby are subject to the provisions of the said Act and Regulations, and any contravention

of, or failure to comply with, the said Act and Regulations, or any provision thereof, or any condition expressed herein, shall be good and sufficient cause for the suspension or cancellation of this license.

This license expires on the 30th day of November.....

Dated at Halifax, N.S., this

..... day of

Minister of Industry & Publicity,
Director of Fisheries.

19.....

APPENDIX "F"

Form FL—1

APPLICATION FOR LICENSES FOR A FISH PLANT OR CANNERY

(Fish except Shellfish)

TO: The Fisheries Division

Department of Industry and Publicity,

Province of Nova Scotia.

The undersigned hereby requests that a license or licenses be issued for the fish plant/cannery hereinafter described.

(1) Full name and address of owner or lessee

.....

(2) Location of Plant or Cannery

(street or wharf, etc.).....

(city, town, etc.).....

(county)

(3) Full name and address of manager

.....

(4) Products of the plant or cannery

(4) Please indicate your products with check marks in spaces provided opposite each. Products not named may be entered at the foot of the list.

Fresh fish.....	Canned fish.....
Frozen fish.....	Canned kippered fish.....
Smoked fish, fresh....	Liver Oil.....
Smoked fish, frozen...	Sun-rotted untanked....
Pickled fish.....	Tanked
Green-salted fish.....	Steam-refined, crude....
Salted, dried fish.....	De-stearinated, medic...
Salted, boneless fish..	Liver Meal.....
Salted, smoked fish...	Body Oils.....
Kippered fish.....	Offal Oils.....
Marinated fish.....	Offal Meal.....
.....
.....
.....

(5) Full names and addresses of salaried employees acting as fish buyers for the plant who buy fish and fishery products only as agents of the undersigned. (For whom Purchaser's Licenses without fee are required).

.....

.....

.....

.....

Date 19..... Signature of owner or manager.....

INSTRUCTIONS TO APPLICANT

This application is to be completed and signed in TRIPLICATE and the three copies submitted to the FISHERIES DIVISION, DEPARTMENT OF INDUSTRY AND PUBLICITY, PROVINCIAL BUILDING, HALIFAX, N.S., with a Money Order, Postal Note or Cheque for the sum of \$2.00 payable to the Province of Nova Scotia attached.

This form does not provide space for listing shellfish and shellfish products.

Application for a License to can or pack Shellfish and Crustaceans should be made on Form FL—2. No additional fee is required in cases where two applications are required for one plant or cannery.

CERTIFICATE OF INSPECTOR

I certify that to the best of my knowledge and belief the construction, equipment, operating methods and sanitary conditions of the plant/cannery described herein comply with all the applicable Acts and Regulations of the Dominion of Canada.

Date.....19.... Signature of Inspector.....

(In accordance with paragraph 8 of the Regulations, the Fisheries Division will refer this application to an inspector appointed under the Act and a license will not be issued unless and until the above certificate is signed.)

APPENDIX "G"

Form FL—2

APPLICATION FOR LICENSES FOR A SHELLFISH
PACKING PLANT OR CANNERY

To: The Fisheries Division,
Department of Industry and Publicity,
Province of Nova Scotia.

The undersigned hereby requests that a license or licenses be issued for the shellfish packing plant/cannery hereinafter described.

- (1) Full name and business address of owner or lessee.
.....
- (2) Location of plant or cannery.
(street or wharf, etc.).....
(city, town, etc.).....
(county)
- (3) Full name and address of manager.
.....
- (4) Species of shellfish (excepting lobsters) and manner of preparation.

4 & 5—Please indicate your products by means of check marks in spaces provided for each. Species not named should be added at the foot of the lists.

	Canned	In Shell	Shucked Frozen	Shucked not Frozen
Clams...
Quahangs...
Oysters.....
Crabs.....

(5) Lobsters, manner of preparation.

- Canned lobster
- Live lobsters
- Boiled lobsters (in shell)
- Frozen lobsters (in shell)
- Frozen boiled lobsters (in shell)
- "Fresh" lobster meat (cooked, chilled)
- Frozen lobster meat (cooked, frozen)

(6) If lobsters are to be retained in, or purchased from, a lobster pound for shipment, processing, etc., out of season, please indicate here the kinds of products for which you will require a special license during the closed season.

- Live lobsters
- Fresh lobster meat
- Canned tomalley and lobster paste
- Frozen lobster meat

(7) Full names and addresses of salaried employees acting as fish buyers for the plant and who buy fish and fishery products only as agents of the undersigned. (For whom Purchaser's licenses without fee are required).

Date:

Signature of owner or manager:

INSTRUCTIONS TO APPLICANT

This application is to be completed and signed in **triplicate** and the three copies submitted to the FISHERIES DIVISION, DEPARTMENT OF INDUSTRY AND PUBLICITY, PROVINCIAL BUILDING, HALIFAX, N.S., with a Money Order, Postal Note or Cheque for the sum of \$2.00 payable to the Province of Nova Scotia attached.

This form provides space for listing shellfish and crustaceans only.

Application for a License in respect to fish other than shellfish should be made on Form FL—1. No additional fee is required in cases where two applications are required for one plant or cannery.

A—CERTIFICATE OF INSPECTOR

I certify that to the best of my knowledge and belief the construction, equipment, operating methods and sanitary conditions of the plant/cannery described herein comply with all the applicable Acts and Regulations of the Dominion of Canada.

Date.....19.... Signature of Inspector.....

B—CERTIFICATE OF SANITARY ENGINEER—DEPARTMENT OF NATIONAL HEALTH AND WELFARE

I have inspected the plant described herein and have found its construction, equipment, operating methods and sanitary conditions to comply with the requirements governing the taking, handling, packing and/or shucking of shellfish for export.

Date.....19.... Signature of Sanitary Engineer.....

In accordance with paragraph 8 of the Regulations, the Fisheries Division will refer this application to an inspector, and to a sanitary engineer of the Department of National Health and Welfare where necessary, and a license will not be issued unless and until the above certificates are duly signed as required by said Regulation.

APPENDIX "H"

Form FL—3

APPLICATION FOR A FISH PURCHASER'S LICENSE

The Fisheries Division,
Department of Industry and Publicity,
Province of Nova Scotia,
Halifax, N.S.

The undersigned hereby applies for a license to purchase or collect fish from fishermen in the Province of Nova Scotia.

(1) Full name.....
Permanent Address.....

(2) If not a resident of Nova Scotia, please give temporary mailing address below.
.....
.....

(3) Kinds of fish, shellfish, crustaceans, livers or other fishery products to be purchased or collected.
.....
.....

(4) County, or Counties in which the applicant intends to purchase fish or fishery products.
.....
.....

Date.....19..... Signature.....
.....

Fish Purchaser's Licenses are required by all persons buying or collecting fish from fishermen in Nova Scotia except those who hold a license to operate a fish plant or cannery and those who buy only for their own use and/or for sale only at retail.

Applications for licenses for salaried fish buyers who purchase or collect fish only as agents for a licensed fish plant or cannery in Nova Scotia should be made by the plant or cannery on Form FL—1 or 2 or by letter. No fee will be required of such buyers.

This application and a money order or cheque for \$2.00 should be forwarded to the Fisheries Division, Department of Industry and Publicity, Provincial Building, Halifax, N.S.

FISH INSPECTION LEGISLATION—MANITOBA

AN ACT to provide for the Inspection of Fish.

[Assented to April 5th, 1940]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Short title.

1. This Act may be cited as "The Manitoba Fish Inspection Act."

Provisions of Fish Inspection Act of Canada in force in province.

2. The provisions of the Fish Inspection Act which deal with the inspection of certain pickled, salted and other kinds of fish, enacted by the Parliament of Canada and the amendments heretofore made thereto in so far as any of them are within the legislative competence of this Legislature, shall have the force of law in the Province of Manitoba as if enacted by this Legislature, and unless and until otherwise enacted by this Legislature shall remain in full force and effect in this province.

Amendments, orders and regulations may be declared in force by proclamation.

3. (1) The Lieutenant-Governor-in-Council may by proclamation declare any amendments hereafter made to the Fish Inspection Act and any order heretofore or hereafter made thereunder in so far as any of them are within the legislative competence of this Legislature, to have the force of law in the Province of Manitoba as if enacted by this Legislature, and unless and until otherwise enacted by this Legislature such amendments or order shall remain in full force and effect in this province.

(2) The Lieutenant-Governor-in-Council may by proclamation declare any regulations heretofore or hereafter made under the Fish Inspection Act, in so far as they are within the legislative competence of this Legislature, to have the force of law in the Province of Manitoba as if enacted by this Legislature, but nothing herein contained shall prevent the Lieutenant-Governor-in-Council from exercising his power to rescind, revoke, amend or vary any regulation.

Commencement of Act.

4. This Act shall come into force on assent.

FRUIT, VEGETABLES GRADING AND SALES LEGISLATION

THE FARM PRODUCTS GRADES AND SALES ACT—ONTARIO REGULATIONS RESPECTING: HONEY, FRUIT AND VEGETABLES R.S.O. 1937, CHAPTER 307

As amended by 1939, Chapter 15, 1943, Chapter 28, s. 16, 1946, Chapter 28, 1947,
Chapter 36, s. 1, 1948, Chapter 29, s. 1, and 1949, Chapter 31, s. 1.

Interpretation.

1. In this Act,—

"Grade."

(a) "Grade" shall mean grade established under this Act;

"Inspector."

(b) "Inspector" shall mean inspector appointed under this Act;

Minister."

(c) "Minister" shall mean Minister of Agriculture;

"Farm product."

(d) "Farm product" shall include animals, meats, eggs, poultry, wool, dairy products, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco and such other natural products of agriculture as the Lieutenant-Governor in Council may designate and such articles of food or drink manufactured or derived in whole or in part from any such product as the Lieutenant-Governor in Council may designate.
R.S.O. 1937, c. 307, s. 1.

"Package."

(e) "Package" shall include any box, crate or other receptacle used for or suitable for use in the marketing, transporting or shipping of a farm product. 1939, c. 15, s. 1.

Regulations.

2. (1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

(a) establishing grades and classes for any farm product;

(b) providing for the inspection, grading, packages and packing, marking, handling, shipping, transporting, advertising, purchasing and selling of farm products within Ontario.

- (bb) prescribing the manner in which sellers and shippers of farm products shall identify, for purposes of grading, individual producer's lots in any shipment;
- (bbb) prescribing the manner in which shippers or packers shall make returns and prepare for presentation to the producer the statements of account of purchase of such farm products and for the investigation of such statements and the transactions represented thereby;
- (c) prescribing the fees payable upon the inspection of any farm product;
- (d) designating the places where farm products may be inspected and such highway inspection points as are considered necessary;
- (e) prescribing the powers and duties of inspectors;
- (ee) providing for the issue of grading certificates by inspectors and prescribing the form thereof;
- (f) providing for the exemption from this Act or the regulations, or any part thereof, of any person or group of persons;
- (g) providing for the issuing of licenses for engaging in the marketing of farm products and for operating markets for farm products and for the renewal, refusal, suspension and revocation of such licences;
- (h) prohibiting persons from engaging in the marketing of farm products and from operating markets for farm products except under the authority of a licence under this Act;
- (i) prescribing the terms and conditions upon which licences may be issued, renewed, suspended and revoked and fixing the fees payable therefor; and
- (j) generally for the better carrying out of the provisions of this Act.

Limitation as to time.

(2) Any regulation made under this section may be limited as to time and place. R.S.O. 1937, c. 307, s. 2; 1943, c. 28, s. 16, 1946, c. 28, s. 1, 1947, c. 36, s. 1.

(3) Any word or expression used in any regulation made under this section may be defined in the regulation for the purposes of the regulations.

Inspectors, appointment of.

3. (1) The Minister may appoint inspectors whose duties shall be to carry out the provisions of this Act. R.S.O. 1937, c. 307, s. 3.

Minister may designate inspection places.

(2) The Minister may designate places where farm products may be inspected and such highway inspection points as are considered necessary. 1939, c. 15, s. 2.

(3) The Minister may, by order, require persons in charge of farm products that are being transported from an area designated by him to proceed to a designated highway inspection point and to remain there until the farm products are inspected. 1948, c. 29, s. 1.

Powers of inspectors.

4. (1) Every inspector may, for the purpose of enforcing the provisions of this Act or the regulations,—

- (a) enter any premises, vessel, boat, car, truck or other conveyance used for the storage or carriage of any farm product and inspect any farm product found therein;
- (b) stop any conveyance which he believes to contain any farm product and inspect such conveyance and any farm product found therein;
- (c) obtain a sample of any farm product at the expense of the owner for the purpose of making an inspection thereof;
- (d) require the production or furnishing of copies of or extracts from any books, shipping bills, bills of lading or other records relating to farm products.

Detention of product for purpose of inspection.

(2) For the purpose of making an inspection of any farm product the inspector may detain such farm product at the risk of the owner thereof, provided that after detaining any such product the inspector shall forthwith notify the owner or person having possession thereof of such detention by prepaid telegram or such other means as in the circumstances he may deem proper. R.S.O. 1937, c. 307, s. 4.

Obstruction of Inspector

(3) No person shall obstruct any inspector or refuse to permit any farm product to be inspected or furnish an inspector with false information.

Production of documents.

(4) Every person shall, when required by an inspector, produce copies of and extracts from any books, shipping bills, bills of lading and other records relating to any farm product. 1946, c. 28, s. 2.

Detention of products.

5. Any farm product in respect of which, in the opinion of the inspector, an offence against this Act or the regulations has been committed, may be placed under detention at the risk and expense of the owner by such inspector until such time as the owner of such farm product shall comply with this Act and the regulations; provided that where any person is convicted of an offence in respect of any such farm product the convicting magistrate may declare such farm product to be forfeited to His Majesty, whereupon it may be destroyed or otherwise disposed of as the Minister may direct. R.S.O. 1937, c. 307, s. 5.

Detention of package.

5a. For the purpose of making an inspection of a package an inspector may detain such package including any farm product that may be contained in such package at the risk of the owner thereof, and the provisions of this Act relating to the detaining and placing under detention of farm products shall apply *mutatis mutandis* to packages and any farm products contained therein. 1939, c. 15, s. 3.

Certificate of inspector.

6. The production by the inspector of a certificate of his appointment purporting to be signed by the Minister shall be *prima facie* evidence of the facts stated in such certificate and conclusive evidence of the authority of such inspector to inspect any farm product. R.S.O. 1937, c. 307, s. 6.

Penalties.

7. (1) Any person who violates any of the provisions of this Act or the regulations shall be guilty of an offence and liable to a penalty of not less than \$10 and not exceeding \$50 for a first offence and to a penalty of not less than \$50 and not exceeding \$100 for a subsequent offence. 1939, c. 15, s. 4.

Recovery of Penalties. Rev. Stat., c. 136.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 307, s. 7(2).

Legal remedy not affected.

8. No proceedings or convictions under this Act shall affect the right of any person to any legal remedy to which he would otherwise be entitled. R.S.O. 1937, c. 307, s. 8.

Where matter complained of deemed to have arisen.

9. For the purpose of jurisdiction, in any complaint, information or conviction for a violation of any of the provisions of this Act or the regulations, the matter complained of may be alleged and shall be deemed to have arisen at the place where the farm product was packed, sold, offered, exposed or had in possession for sale or transportation as the case may be, or at the residence or usual place of residence of the person charged with such violation. R.S.O. 1937, c. 307, s. 9.

Fruits and vegetables for which specific regulations have been made but which are not reproduced. The regulations that are reproduced are those which relate to general provisions as regards packaging, marking, labelling, and fees.

The regulations which deal with Honey are reproduced in full.

Apples	Packages
Asparagus	Parsnips
Beets	Peaches
Cabbage	Pears, in boxes
Cantaloupes	Pears, in other containers
Carrots	Plums and Fresh Prunes
Cauliflower	Potatoes
Celery	Rhubarb
Cherries	Small Fruits, for processing
Cucumbers, slicing	Strawberries
Detention	Tomatoes, field and hothouse
Grapes	Tomatoes, green
Lettuce, head	Tomatoes, canning
Onions	Turnips, waxed or unwaxed

Regulations made by the Minister under the Farm Products Grades and Sales Act

FRUIT AND VEGETABLES

Interpretation

1. In these regulations,—

- (a) "aggregate area" shall mean the total area under consideration if assembled into one circular area of the diameter specified;
- (b) "carload" shall mean the maximum quantity loaded in a railway car or more than 15,000 pounds of produce loaded in that car.
- (c) "closed package" shall mean any package the contents of which cannot be satisfactorily inspected without removing the cover or other enclosing device;
- (d) "Department" shall mean the Department of Agriculture of Ontario;
- (e) "diameter" shall mean the greatest diameter at right angles to the longitudinal axis;
- (f) "establishment" shall include any plant, factory or premises where produce is canned, preserved or otherwise processed;
- (g) "hand-picked" in respect to fruit shall mean that the fruit shows no evidence of rough handling or of having been on the ground;
- (h) "inspection" shall mean inspection by an inspector appointed under the Act and "inspected" shall have a corresponding meaning;
- (i) "inspection point" shall mean any point or area at which an inspector attends;
- (j) "mature" shall mean that the produce has reached such stage of development as ensures completion of the ripening process;
- (k) "produce" includes any fruit, vegetable and table-corn in the ear.
- (l) "properly packed" shall mean that the produce is not slack, overpressed, or otherwise in a condition likely to result in permanent damage during handling or in transit; and as to apples in crates shall also mean that the apples are packed without bulge;
- (m) "sized" shall subject to the other provisions of these regulations mean that the fruit in a box or crate has a size range not in excess of one-quarter of an inch in diameter;
- (n) "smooth" shall mean that the produce is not ridged, angular or indented;

- (o) "sound" shall mean that the produce at the time of packing, loading or final shipping-point inspection is free from defects (known hereinafter as "condition defects") including decay, break-down, freezing injury, bitter pit, soft, shrivelled, watercore, overripe, brown core, corky core or other injury which may affect the keeping quality of the produce;
- (p) "stemless fruit" shall mean any fruit which has no portion of the stem attached thereto and has no broken skin at the stem end;
- (q) "superior" shall mean that the quality is superior to the average for the variety; and
- (r) "well-formed" shall mean that the produce has a shape characteristic of the variety.

Application

2. These regulations shall not apply to,—

- (a) certified seed-potatoes as defined by the *Destructive Insect and Pest Act (Canada)* or any regulations made thereunder; or
- (b) vegetables which have the top leaves attached, commonly termed "green vegetables", including bunched beets, broccoli, carrots, green onions, leeks, radishes, summer turnips and herbs.

General

3. No person shall pack, transport, ship, advertise, sell, offer for sale or have in possession for sale any produce,—

- (a) unless the produce has been graded, packed and marked in accordance with the provisions of the act and these regulations;
- (b) which is below the minimum grade for the produce but this provision shall not apply to produce for an establishment;
- (c) where the faced or shown surface falsely represents the contents;
- (d) in a package unless the package is properly filled and packed;
- (e) which has been transported into Ontario and has been repacked for sale in Ontario unless the package containing the produce is marked to indicate the country or province of origin and the other provisions of these regulations have been complied with respecting the produce;
- (f) in a package which has been previously marked unless such marks are completely removed;
- (g) which is so immature or so diseased or otherwise affected as to be unfit for human consumption; or
- (h) in a package which is damaged, stained, soiled, warped or otherwise deteriorated so as materially to affect the soundness or appearance of the produce packed therein.
- (i) which has been injured by insects or which shows evidence of any foreign substance in an amount injurious to public health.

3a. Clause *e* of regulation 3 shall not apply to produce which does not enter into competition with the same kind of produce of Ontario origin.

4. No person shall misrepresent the variety, class, grade, weight, measure, mark or marking, ownership, origin or storage temperature of any produce.

5. No person shall carelessly handle, destroy or remove without authority any produce which is being packed, transported, warehoused or dealt with in any other manner.

6. No person shall,—

- (a) use any registered number or mark assigned to any other person or use any brand, stencil or label designating any other owner, packer or shipper;
- (b) alter or efface any marks on any package of produce; or
- (c) mark any package of produce describing or relating to the grade of the produce unless the mark complies with these regulations.

7. The grade of the produce and the measure, weight or size of the package shall be declared in every advertisement respecting any produce.

8. (1) Condition defects in respect to any produce at destination point shall not apply except where the produce is sold on a delivered basis against the grade of the produce unless the condition defects affect more than 10 per centum of the produce.

(2) Condition defects in any apples, pears, plums or cherries shall not apply against the grade at shipping point where the produce is,

(i) properly packed and held in storage long enough for the nature and extent of the condition defects to develop; and

(ii) the average percentage of each defect is stated on the confirmation of sale or other contract and the confirmation of sale or contract is submitted to the inspector for verification prior to shipment of the produce.

9. No person shall sell or offer for sale at retail vegetables, except green vegetables, unless the vegetables are sold by weight or in one of the packages prescribed for vegetables by these regulations, but a producer may sell vegetables grown by him in bushel, peck or gallon containers.

9a. No person shall sell, offer for sale or have in possession for sale any apples at retail in bulk unless the package has attached thereto a sign stating the variety of the apples and the grade as being No. 1 grade, Domestic grade, or Small-one grade.

Detention

10. Where an inspector detains any produce or produce package he may attach thereto a numbered detention tag and no person shall sell, offer for sale, move, allow or cause to be moved the produce or produce package or remove the detention tag without the written authority of an inspector or of the Department.

11. Where produce under detention is shipped or transported with the written authority of an inspector for the purpose of packing in standard packages it shall not be subject to the provisions of these regulations respecting packages and markings.

12. Where an inspector is satisfied that any produce or produce package which has been placed under detention complies with the provisions of the Act and these regulations he may release the same by issuing a detention release.

Handling Produce

13. Every person in possession of or handling produce to or from any vehicle, railway car or vessel at any point shall handle the produce with due care and adequately protect the produce from freezing, cold or other conditions likely to damage the produce, and it shall not be an excuse for not complying with this provision that a vehicle, railway car or vessel would have been delayed.

14. It shall be deemed careless handling to,—

(a) delay in any way or for any reason the movement of produce to or from any vehicle, railway car or vessel or to fail to protect the produce from freezing, cold or other conditions during or after the movement of the produce when such delay or failure may result in damage to the produce;

(b) move produce to or from any vehicle, railway car or vessel during weather or other condition likely to cause damage to the produce; or

(c) fail to comply with the recommendation and instructions of an inspector that any produce be not exposed or continue to be exposed.

Inspection

15. Inspection shall be required of all produce moving by,—
- (a) any vehicle to or from any places designated by the Minister; or
 - (b) any vehicle from, to or through any inspection point designated by the Minister.
16. A release form may at the discretion of an inspector be issued for a shipment of produce to move for first inspection to such inspection point as the inspector may require.
17. (1) Every person who requires produce to be inspected shall apply to the nearest inspector or to the Department.
- (2) Inspection shall be made as nearly as practicable in the order in which applications are received.
18. Produce purchased for processing may be inspected according to the grades prescribed in these regulations or according to such variations of those grades as may be provided by any regulations or order made under *The Farm Products Marketing Act, 1946*.
19. Produce shall be made accessible for inspection and shall be placed so as to disclose its quality and condition and an inspector shall be rendered such reasonable assistance as may be required.
20. Where inspection at destination is requested the inspector may pending unloading of the produce inspect and certify that portion of the produce which is accessible to inspection and issue a certificate bearing the notation "doorway inspection" or "top and doorway inspection" or issue a conditional report or give a verbal report.
21. Where an inspector has reason to believe that because of latent defects due to climatic or other conditions the true quality or condition of the produce may not be determined the inspector may postpone inspection for such period as he may deem necessary to enable the true quality or condition of the produce to be determined.
22. (1) Where a person who is financially interested in any produce is dissatisfied with an inspection certificate he may apply for an appeal inspection.
- (2) The application for an appeal inspection shall state the reasons for appeal and may be accompanied by a copy of any previous inspection certificate or other information possessed by the applicant.
- (3) An application for an appeal inspection may be refused where,—
- (a) it appears trivial,
 - (b) the quality or condition of the produce has materially changed, or
 - (c) the produce is not accessible for inspection.
- (4) Where an inspector by request furnishes to any person an inspection report respecting the quality or conditions of any produce which may have materially changed since the previous inspection or where a subsequent inspection is requested for the purpose of obtaining a report without questioning the correctness of any previous certificate the inspection shall not be considered an appeal inspection.
23. (1) Inspection certificates and release forms shall be issued in quadruplicate, the original and one copy for the Department and two copies for the applicant.
- (2) Where the shipper is not the applicant a copy of the certificate shall be delivered or mailed to him without fee.

Fees

24. For each inspection a fee shall be paid by the applicant upon delivery of the certificate but the inspector may require the fee to be paid in advance.
25. (1) The fees payable for carload inspection shall be,—

- (a) for shipping-point inspection,—
 of one product \$4.00
 of more than one product \$5.00
- (b) for destination inspection,—
 of one product \$5.00
 of more than one product \$6.00
- (c) for appeal inspection \$8.00
 and
- (d) for produce which has had shipping point inspection but requires
 re-certification \$2.00
- (2) Where the inspection under clause c of sub-regulation 1 proves that the
 previous inspection was incorrectly certified no fee shall be payable and the
 original certificate shall upon the issuance of the appeal certificate be deemed
 annulled.
- (3) The fees payable for inspection of produce, except tomatoes purchased
 on a grade basis for processing, in other than a carload quantity and
 computed on the gross weight in pounds shall be as follows,—

Gross Weight in Pounds	Amount of Fee	Gross Weight in Pounds	Amount of Fee
Up to 6000	\$1.00	15001 to 16500	2.75
6001 to 7500	1.25	16501 to 18000	3.00
7501 to 9000	1.50	18001 to 19500	3.25
9001 to 10500	1.75	19501 to 21000	3.50
10501 to 12000	2.00	21001 to 22500	3.75
12001 to 13500	2.25	22501 to 24000	4.00
13501 to 15000	2.50		

but where it is not practical to compute the poundage the fees payable
 for inspection of produce in other than a carload quantity shall be at
 the rate of \$2.00 per hour, \$5.00 per half day or \$8.00 per day, the
 minimum fee for any inspection being \$1.00.

26. The fee for a release form for any produce shall be at the same rate as
 fee for a certificate of inspection.

27. The fees prescribed by these regulations shall not apply to gifts of
 five packages or less of produce or to produce designated for experimental or
 exhibition purposes.

Packages

28. Every package used in Ontario for produce shall be of the dimensions
 and capacities specified in Schedule 1.

29. (1) Produce shall be packed only in packages suitable for the produce.

(2) Subregulation 1 shall not apply to,—

(a) produce under,—

(i) detention; or

(ii) permit issued by an inspector for shipment or transportation for
 the purpose of packing in standard packages for sale; or to

(b) cabbage, cauliflower or lettuce offered for sale in sound, suitable, non-
 standard open packages.

30. The provisions of these regulations respecting packages shall not apply
 to fruit packed in packages which have trays or fillers with a separate compart-
 ment for each fruit.

31. Fruit, other than fruit for processing purposes, for which grades are
 prescribed by these regulations, when shipped or transported, shall be enclosed
 in one or other of the packages hereinafter prescribed for that fruit.

32. Wood used in the construction of packages shall be sound, seasoned,
 strong and clean and the materials used in the construction shall conform with
 the specifications and dimensions contained in Schedule 1.

33. Wood used in the manufacture of apple, pear or potato barrels shall be cut, seasoned and jointed so as to ensure the construction of a firm, tight, standard barrel, and apple and pear barrels shall be free from discolouration.

34. Materials used in the manufacture of boxes, crates and lugs shall contain more than one loose knot in each piece of shook and the knot shall be not more than $1\frac{1}{4}$ inches in diameter but in the case of cherry lugs the loose joint knot in each piece of shook shall be not more than $\frac{3}{4}$ inch in diameter and the knot shall be at least $\frac{1}{2}$ inch from any edge.

35. Nails used in any package shall not protrude or be placed in such a manner as to injure any produce which may be placed in the package.

36. Veneer used in baskets, berry boxes and hampers shall be clean, sound and free from material defects.

37. No cover on a box or lug shall have under the cover more than one cleat at each end and the cleat shall be not more than $\frac{5}{16}$ inch in depth except in packages containing large size peaches or plums.

38. No tarlatan used for covering fruit packages shall be made of a mesh closer in weave than 14 by 14 to the square inch and no reddish or orange colour shall be used.

39. Where tarlatan or other transparent material is used the produce shall be well-heaped, tightly packed and the cover arranged so as to prevent any appreciable movement of the produce.

40. Bags which contain produce shall be securely closed.

41. The dimensions in Schedule 1, unless otherwise stated, are inside measurements.

Marking

42. Every person who packs, transports, ships, advertises, sells, offers for sale or has in possession for sale any produce in a closed package shall mark the package with his initials, surname and address and a firm or corporation shall mark the package with the firm or corporate name and address and in each case the package shall be marked with the proper designation of the grade of the produce.

43. (1) Marks for the following produce when packed in closed packages shall include in respect to,—

(a) apples and pears except pears in wood-veneer baskets, the name of the variety;

(b) peaches other than yellow freestone type, the words "Yellow Cling" or "White Flesh" as the case may be;

(c) cantaloupes other than salmon flesh type, the words "Green Flesh";

(d) potatoes in packages other than standard barrels, the net weight of contents and the words "Table Potatoes";

(e) onions, turnips, carrots, beets and parsnips in bags, boxes or crates, the net weight of contents;

(f) onions when size is specified, the size range shall be marked on each package or tag;

(g) celery, the number of stalks contained in each package;

(h) potatoes or turnips packed by any person other than the person shown as the packer, shipper or dealer, a number or other mark on each package identifying the packer thereof; and

(i) table-corn, the number in dozens of ears contained in each package.

(2) The grade of any vegetable shipped in bulk in carloads shall appear on the invoice, the bill of lading and the waybill.

(3) Spanish-type onions grown in Canada from imported or certified seed shall be designated by marking as "Spanish-type onions".

(4) When produce grown in Ontario is packed for consumption within Ontario the word "Canada" may be omitted from any grade designation.

44. Every person who packs, transports, ships, advertises, sells, offers for sale or has in possession for sale any produce in an open package shall mark the package with his initials, surname and address and a firm or corporation shall mark the package with the firm or corporate name and address.

45. Regulations 42 and 43 shall apply to open packages of apples, cantaloupes, tomatoes and celery and to open packages of other produce when the contents are designated as any particular grade.

46. The marks on packages containing apples in other than wood-veneer baskets or packages of smaller capacity shall include an indication of the minimum and maximum size of the apples but where the minimum size is $2\frac{1}{2}$ inches or larger the marking may be " $2\frac{1}{2}$ in. and up", " $2\frac{3}{4}$ in. and up" or "3 in. and up".

47. (1) Closed packages containing fruit other than tomatoes and plums packed in tiers shall be marked so as to indicate the number of specimens in each package but this provision shall not apply to four-basket crates or wood-veneer baskets containing fruit.

(2) Closed four-basket crates containing plums packed in tiers shall be marked to indicate the number of specimens each way on the top layer of the basket as follows,—4 by 4; 4 by 5; 5 by 5 or as the case may be and shall be not more than three layers deep and the pack may be broken only once in each basket.

(3) Closed packages of field rhubarb shall be marked with the minimum net weight and closed eleven-quart veneer baskets containing field rhubarb shall contain at least 12 pounds of rhubarb.

48. Every person who uses a label on produce packages may at any time be required to submit it to the Department for approval.

49. Standard barrels, half barrels and bushel barrels and each bundle of barrel hoops, heads and staves shall be marked with the name of the manufacturer thereof.

50. (1) Marks required by these regulations shall be,—

- (a) indelible and legible and the letters shall be at least $\frac{1}{4}$ inch in height;
- (b) placed on one end of boxes, crates, lugs and headed barrels; and
- (c) placed on the handle, side or end of other packages.

(2) The marks for bags shall be either stencilled or printed on the bag or on a suitable tag attached thereto or interwoven in the bag.

(3) A label may be used in the case of wood-veneer baskets with transparent covers and shall be placed directly under the cover and shall be plainly legible through the cover.

51. Lithographed or printed labels may be used on boxes and where made of durable material and varnished may be used on barrel heads.

Regulations made by the Minister Under The Farm Products Grades and Sales Act

HONEY

Interpretation

1. In these regulations

- (a) "case" means box, crate or carton enclosing one or more containers of honey or container not requiring packing for shipment;
- (b) "class" means group of honeys falling between two definite limits of colour as established on the Dominion Honey Classifier and "classified" has a corresponding meaning;

- (c) "damage" means injury caused by turbidity, overheating or any objectionable flavour or aroma from floral source, honey-dew, smoke taint or other flavour or aroma foreign to honey, and, where honey is granulated, foam in excess of minor frosting;
- (d) "Department" means the Department of Agriculture of Ontario;
- (e) "establishment" means plant, factory or premises where honey is extracted, packed, or processed;
- (f) "fairly free from foreign material" means that the honey is as clear as if strained through a standard bolting-cloth of 23 meshes to the inch at a temperature of not more than 130 degrees Fahrenheit;
- (g) "free from foreign material" means that the honey is as clear as if strained through a standard bolting-cloth of 86 meshes to the inch at a temperature of not more than 130 degrees Fahrenheit;
- (h) "inspection" means inspection by an inspector appointed under the Act and "inspected" has a corresponding meaning;
- (i) "inspection point" means any place at which an inspector attends for inspection purposes;
- (j) "liquid honey" means honey containing not more than 5 per cent visible crystals and which has been treated by the controlled application of heat to a point where all yeasts have been destroyed;
- (k) "lot" means honey contained in a single storage-tank or receptacle from which containers or cases are filled;
- (l) "pasteurized honey" means honey that has been treated by the controlled application of heat to a point where all yeasts have been destroyed;
- (m) "serious damage" means any injury, defect or deterioration seriously affecting the edibility, appearance, or shipping quality of the honey; and
- (n) "turbidity" means cloudiness caused by pollen grains, minute air-bubbles, finely-divided wax particles, or other substances that detract from the clearness of the honey.

Application

2. These regulations do not apply to honey

- (a) in the honeycomb, or
- (b) sold by a bee-keeper direct to the consumer if the container is marked with the producer's name and address and the word "honey".

General

3. No person shall pack, transport, ship, advertise, or sell honey

- (a) that has not been graded, classified and marked in accordance with the Act and these regulations,
- (b) that is below No. 3 grade, excepting honey for an establishment,
- (c) that has been imported into Ontario and has been repacked for sale in Ontario where the container is not marked to indicate the province or country of origin, and these regulations have not been complied with, and
- (d) in a container or in a case that has been previously marked where the marks are not completely removed or erased.

Classes for Honey

4. The classes for honey shall be

- (a) White, consisting of honey that in liquid form is no darker in colour than that designated as White on a Dominion Honey Classifier,
- (b) Golden, consisting of honey that in liquid form is no darker in colour than that designated as Golden on a Dominion Honey Classifier,

- (c) Amber, consisting of honey that in liquid form is no darker in colour than that designated as Amber (Interprovincial) on a Dominion Honey Classifier, and
- (d) Dark, consisting of honey that in liquid form is darker in colour than that designated as Amber (Interprovincial) on a Dominion Honey Classifier.

Grades for Honey

5. (1) The grades for honey shall be

- (a) No. 1 Grade, consisting of honey that does not contain more than 17.8 per cent of moisture or that has a specific gravity at 68 degrees Fahrenheit of not less than 1.4184 and that is
 - (i) free from damage, and
 - (ii) free from foreign material,
- (b) No. 2 Grade, consisting of honey that does not contain more than 18.6 per cent of moisture or that has a specific gravity at 68 degrees Fahrenheit of not less than 1.4129 and that is
 - (i) free from damage, and
 - (ii) fairly free from foreign material, and
- (c) No. 3 Grade, consisting of honey that does not contain more than 20 per cent of moisture or that has a specific gravity at 68 degrees Fahrenheit of not more than 1.4033 and that is
 - (i) free from serious damage, and
 - (ii) fairly free from foreign material.

(2) Pasteurized honey may have a moisture content of 20 per cent and be graded as No. 1 Grade or No. 2 Grade, as the case may be, if otherwise qualified under clause (a) or (b) of subregulation 1.

6. No person shall

- (a) use any number or mark assigned to another person or use any brand, stencil or label designating another person,
- (b) alter or efface any marks on any container or on any case containing honey without the authority of an inspector, or
- (c) mark any container of honey describing or relating to the class or grade of the honey where the mark is not in accordance with these regulations.

7. Every lot of honey shall be assigned a lot number by the packer, and the lot number shall run in numerical order throughout the year ending on the 31st of December, commencing with the number "1".

8. The class and grade of the honey shall be stated in every advertisement respecting honey offered for sale.

9. For variations incidental to classifying, grading, packing and handling honey a tolerance of not more than 10 per cent by weight of the honey and the count of the containers may be below the requirements of the grade stated but no tolerance shall be allowed for any honey that is below the next lower class or grade to that stated and no tolerance shall be allowed for serious damage in honey marked No. 2 Grade or No. 3 Grade.

Containers

10. Honey shall be packed in clean, sound, standard containers and shall be of a type in column 1, of the texture designated in column 2, and of the capacity designated in column 3 of Schedule 1.

11. A container of honey shall be sealed by means of a screw-cap, friction-top lid or bung.

12. A container of honey, where cased, shall be packed in a clean, well-constructed case in good condition.

13. (1) Containers containing White or Golden honey shall be coloured blue.

(2) Containers containing Amber or Dark honey shall be coloured red.

Markings

14. (1) Every person who packs, ships, advertises, or sells honey in a container shall mark the container with his name and address, and

(a) with the proper designation of the class and grade of the honey,

(b) with the net weight of the honey,

(c) with

(i) the word "honey",

(ii) the words "liquid honey" where the contents are liquid honey, or

(iii) the word "pasteurized" where the contents are pasteurized honey, and

(d) where applicable, with the number, brand or trade-mark identifying the packer or shipper.

(2) The marks under subregulation 1 shall be indelible and legible and of a minimum height

(a) on containers having a capacity of 1 pound or less, 3/32 inch,

(b) on containers having a capacity of more than 1 pound but not more than 8 pounds, 1/8 inch, and

(c) on containers having a capacity of more than 8 pounds, ¼ inch.

(3) The marks on containers of pasteurized honey shall have the words stating the class, the grade and the word "pasteurized" of letters of the same size and visibility.

15. (1) Every person who packs, ships, advertises, or sells containers of honey in a case shall mark the case with his name and address, and

(a) with the proper designation of the class and grade of the honey,

(b) with the number and the size of the containers therein and the net weight of the honey.

(c) with

(i) the word "honey, or

(ii) the words "liquid honey", where the contents are liquid honey, or

(iii) the words "pasteurized honey", where the contents are pasteurized honey, and

(d) where applicable, with the number, brand or trade-mark identifying the packer or the shipper.

(2) Each case of honey shall be marked at the apiary or at the packing-plant at time of packing with the number of the lot from which the containers were filled followed by a virgule and 2 figures indicating the year in which it was packed.

(3) Where a case contains more than one lot of honey each lot number shall be shown on the case.

(4) The packer or shipper, as the case may be, shall mark each case of honey in a legible manner and the marks shall be at least 3/8 inch in height and, except in the case of barrels or half-barrels, shall be placed on one side and one end of the case.

Handling Honey

16. No person shall

(a) transport honey unless the transport vehicle is clean and sanitary, or

(b) extract, pack, process, store or handle any honey in any building or establishment unless

(i) the building, establishment, premises, machinery, equipment, utensils and supplies contained therein are sanitary and free from foul odours, and

(ii) the person is clean and free from communicable diseases.

Inspection

17. (1) The person in charge of honey shall cause the honey moving by
(a) any vehicle to or from any places designated by the Minister, or
(b) any vehicle from, to or through any inspection point designated by the Minister
to be inspected.

(2) An inspector may direct that honey be shipped to an inspection point designated by the Minister for first inspection.

18. (1) A person who requires honey to be inspected shall apply to the nearest inspector or to the Department.

(2) Inspection shall be made as nearly as practicable in the order in which applications are received.

(3) Honey shall be made accessible for inspection and shall be placed so as to disclose the class and grade for each lot and the person in charge of the honey shall render such assistance to the inspector as the inspector may require.

(4) Upon completion of the inspection the inspector shall issue an inspection certificate in Form 1.

19. Where an inspector has reason to believe that the class or grade of the honey may not be immediately determined the inspector may postpone inspection for such period as he may deem necessary to enable the class or grade to be determined.

20. (1) Where a person who is financially interested in any honey is dissatisfied with an inspection certificate, he may apply to an inspector for an appeal inspection.

(2) An application for an appeal inspection shall state the reasons for appeal and may be accompanied by a copy of any previous inspection certificate or other information possessed by the applicant.

(3) An application for an appeal inspection may be refused where

(a) it appears trivial,

(b) the class or grade of the honey has changed, or

(c) the honey is not accessible for inspection.

21. (1) An inspection certificate shall be issued in quadruplicate, the original and one copy to the Department and two copies to the applicant.

(2) Where the shipper is not the applicant a copy of the certificate shall be delivered or mailed to the shipper without fee.

Fees

22. For each inspection a fee shall be paid by the applicant upon delivery of the certificate.

23. (1) The fees payable for inspection shall be 1/60 cent a pound net weight, minimum fee \$1.

(2) Where an appeal inspection proves the original inspection to have been incorrectly certified, no fee shall be payable and the original certificate shall upon the issuance of the appeal certificate be deemed cancelled.

24. The fee for a release for any honey shall be the same as the fee for a certificate of inspection.

25. The fees prescribed by these regulations shall not apply to gifts of 5 cases of honey or fewer, or to honey designated for experimental or exhibition purposes.

THOMAS L. KENNEDY,
Minister of Agriculture

SCHEDULE I

	Column 1	Column 2	Column 3
Item	Type	Texture	Capacity in pounds
1	Glass		½, 1, or 2
2	Tin	1.25 or 1.50 tin plate	1, 2, 4, or 8
3	Paper	.011 or heavier, cylinder- body stock-paper, waxed or water-proofed	½, 1, 2, or 4

FORM I

The Farm Products Grades and Sales Act

HONEY INSPECTION CERTIFICATE

	Place of Inspection
	Date
	Hour
Shipper	Address
Consignee	Address
Number and Type of Containers Inspected	Number of Containers in Lot
Markings on Containers (Producer's Name)	
Address	
Number of Containers	Capacity
Condition of Load and Containers	Class
Class and Grade Defects	Grade
Violation of Sections	
Remarks	
	..... Inspector

HEALTH LEGISLATION

Extracts from the Public Health Act of Alberta

Regulations respecting—

- Bakeshops
- Canned Meat and Canned Meat Products
- Food and Drink
- Horsemeat
- Restaurants

EXTRACTS FROM THE PUBLIC HEALTH ACT (ALBERTA)

(Being Chapter 183 of the Revised Statutes of Alberta, 1942,
with amendments up to and including 1947).

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly
of the Province of Alberta, enacts as follows:

Short Title

Short Title.

1. This Act may be cited as "The Public Health Act" (R.S.A. 1922, c. 58, s. 1).

Interpretation

Interpretation.

2. In this Act and in any order, rule or regulation made hereunder, unless the context otherwise requires:—

Provincial Board.

(p) "Provincial Board" means the Provincial Board of Health constituted pursuant to this Act;

Provincial Board of Health.

3. There shall be a board of health in the Province to be known as the Provincial Board of Health, consisting of the provincial medical officer of health, who shall be chairman, the provincial sanitary engineer and the provincial bacteriologist. (R.S.A. 1922, c. 58, s. 3).

Regulations for prevention or mitigation of disease and other enumerated matters.

7. (1) The Provincial Board may, subject to the approval of the Lieutenant Governor in Council, make and issue orders, rules and regulations for the prevention, mitigation, and suppression of disease, and may alter or repeal the same; and in particular but without limiting the generality of the foregoing words, it may make and issue orders, rules and regulations in respect of the following matters, that is to say:

Slaughter Houses.

(4) The location, method of construction, furnishing, equipping, maintaining, cleansing, disinfecting, licensing and inspection of all fox ranches, fur farms, piggeries, slaughter houses and other places in which animals are killed and their meat prepared for sale or to be used for food; and of all canneries, fish-houses, smoke-houses and warehouses in which fish are cured, packed or prepared for sale or to be used as food; and of all starch factories, dye works and factories in which blood, offal, skins, paraffin, tallow, soap, fertilizers or gas are worked up;

Sanitation of creameries, etc.

(5) The sanitation, inspection and quarantining of all creameries, cheese factories, dairies, cowsheds and stables in connection therewith, and market gardens;

Disinfection of dairies.

(6) The inspection, licensing, method of construction, furnishing, operating, maintaining, cleansing and disinfection of all dairies and the testing of dairy herds for tuberculosis or any other contagious or infectious disease;

Industrial diseases.

(7) The prevention and remedying of industrial and occupation diseases;

Food.

(8) The methods of production, transportation, exposing for sale, inspection, condemnation, and methods of sale of any article intended as food for man;

Sleeping where food prepared.

(9) The prevention of the use, as a sleeping apartment, of any place where food is prepared or offered for sale;

Penalties.

(10) The providing of penalties by way of fine, or imprisonment, or both, for the violation of any rule, order or regulation passed hereunder, and providing procedure for the imposition or recovery thereof;

General.

(11) Generally all such matters, acts, and things as may be necessary for the protection of the public health and for insuring the full and complete enforcement of every provision of this Act.

(2) Any order, rule or regulation may be made applicable to a portion or portions of the Province only, and may be enforced at the expense of any city, town, village or municipal district in whole or in part affected thereby, or at the expense of any other portion of the Province affected thereby.

Publication of orders and regulations.

(3) Every order, rule and regulation made under this section shall take effect upon the approval thereof by the Lieutenant Governor in Council and shall be forthwith published in The Alberta Gazette and shall have the force of law and be so recognized by all Courts and shall be sufficiently proved by the production of a copy of The Alberta Gazette containing the same or by a copy purporting to be printed by the King's Printer, or by the production of a type-written or mimeographic copy certified by a member of the Provincial Board as a true copy.

(R.S.A. 1922, c. 58, s. 7; 1923, c. 5, s. 15; 1926, c. 24, s. 2; 1933, c. 31, s. 2; 1933, c. 32, s. 2; 1935, c. 50, s. 2; 1944, c. 53, s. 3; 1945, c. 51, s. 1; 1946, c. 49, s. 1.)

Regulations Relating to Bakeshops Under The Public Health Act

In these Regulations, unless the context requires a contrary meaning:

Interpretation

226. (a) "Approved by" means approved by the Health Authority and "Approval of" has a similar meaning.

(b) "Health Authority" means, in relation to unorganized territory, the Provincial Board of Health, and elsewhere the Local Board of Health, within the meaning of The Public Health Act.

(c) "Medical Health Officer" means a Medical Health Officer appointed in accordance with The Public Health Act.

(d) "Minister" means the Minister of Public Health.

(e) "Occupant" means a person who occupies any premises for the purpose of operating a bakeshop therein.

(f) "Public Places" shall include grocery, delicatessen, confectionery and department stores, bakery shops, markets and street vendors' carts, stands and containers.

(g) "Bread" means any breadstuff or pastry.

Location of Bakeshop

227. (1) Every person proposing to engage in the business of making or baking bread shall, in Cities, Towns, Villages and Municipal Districts notify the Health Authority of the address of the proposed bakeshop premises and the hours during which bread will be made or baked therein. In the case of improvement district such notice shall be given to the Provincial Board of Health.

(2) Upon being so notified the Health Authority shall arrange for the inspection of the premises. Pending inspection of the premises, a temporary permit to operate a bakeshop may be granted by the Health Authority to expire upon the date of the inspection of the premises, but no license shall be issued until the premises comply with the requirements of these regulations.

Floors, Walls and Ceilings

228. (1) The floors of every room used for making, baking or storing bread shall be constructed of impervious material finished to a smooth surface, or of hard wood, in which case any crevices shall be suitably filled.

(2) The floors of all rooms shall be swept out daily and scrubbed with soap and hot water at least once per week. All sweepings shall be removed in a covered receptacle. Dry sweeping is prohibited.

(3) The walls and ceilings of all rooms, corridors and stairways shall be of plaster or concrete finished to a smooth surface, or other suitable material, and shall be painted or limewashed. If the walls and ceilings are painted they shall be washed down with hot water and soap as often as may be necessary, and if lime-washed, the limewash shall be renewed in the months of April and October in each year, or more frequently if necessary.

Ventilators and Windows

229. (1) Every room used for the purpose of making or baking bread, shall be sufficiently ventilated by means of windows, ventilators or air shafts, and the method of ventilation and lighting shall be subject to the approval of the Health Authority.

(2) All windows, skylights and exterior doors shall be provided with screens or other means to prevent the entrance of flies, to the satisfaction of the Health Authority. Such screens shall be maintained in good repair.

Store Rooms

230. (1) Flour and food products shall be kept at least six inches from the floor in dry and properly ventilated rooms, so constructed that the walls, floors, ceilings, shelving and storage receptacles can be cleaned to the satisfaction of the Health Authority.

(2) All barrels or other containers used for the storage of ingredients for use in bakeries shall be provided with tight-fitting covers.

(3) Suitable provision shall be made for the storing of empty sacks.

Sleeping In Certain Rooms Prohibited

231. No room used for sleeping purposes shall connect directly with any room in which bread is made, baked or stored, or where flour or food products are stored, and every room used for sleeping purposes shall be lighted and ventilated in a manner approved by the Health Authority.

Washroom and Toilet Accommodation

232. Every bakeshop shall be provided with a washroom and toilet accommodation approved by the Health Authority. Separate washrooms and toilet accommodation properly designated, shall be provided for each sex. Washrooms and all closets and urinals and the floors of the rooms in which they are placed shall be kept clean and in good repair. The seats of closets shall be provided with lids. An adequate supply of toilet paper, approved by the Health Authority, shall be available at all times; no other paper shall be placed in closets.

Light and Ventilation of Toilets

233. (1) No closet or urinal shall be placed in a room opening directly off any room in which bread is made, baked or stored.

(2) Rooms containing closets or urinals shall be separately lighted by a window or skylight directly over the room opening to the external air and having an area of not less than one-tenth of the total floor area of the room, provided that such window or skylight shall have a minimum area of not less than 400 square inches and shall be constructed so as to open to the extent of at least 50% of its area.

(3) Closets other than water closets shall be ventilated by means of a special vent-pipe commencing immediately below and behind the seat and leading as nearly vertically as possible to the external air in such a manner that it projects above all windows in the near vicinity or connected by a special vent pipe to a main ventilating shaft. The main ventilating shaft shall have a cross sectional area equal to the sum of the area of all branch vent pipes connected thereto. No chimney shall be used as a ventilating shaft.

Fixtures

234. All fixtures or pipes for carrying off waste or surface water, and all tanks for the reception or treatment of sewage shall be constructed in a manner approved by the Health Authority.

Waste Removal

235. Suitable, covered and clean receptacles shall be provided in every bakeshop for waste material. The contents of such receptacles shall be removed at least once per day.

Benches, Troughs, Utensils, Equipment, etc.

236. (1) Benches, troughs, utensils, machinery, shelving racks, cupboards and other equipment used in making, baking or storing bread shall be kept in good repair, and in a clean and sanitary condition.

(2) Suitable equipment shall be provided in all bakeries for the washing of trays and bowls or other utensils and shall be of a suitable size to accommodate the utensils to be washed therein. All such equipment shall be maintained in a clean and sanitary condition at all times. No waste material shall be allowed to clog the drains.

(3) All bakeries shall be equipped with facilities for supplying sufficient hot water, or live steam for cleansing or sterilizing purposes.

(4) All ice boxes and refrigerators shall be kept thoroughly clean and free from odor and shall be properly drained.

(5) The Health Authority may require the removal of such fittings and utensils as in the opinion of the said Authority are unsatisfactory and the substitution of suitable fittings and utensils therefor.

Water and Sewage

237. (1) Every bakeshop situated in a municipality which is provided with a waterworks or sewage system or both, shall be situated on the water and sewer lines and shall be connected therewith.

(2) When water from a municipally-controlled and operated waterworks system is not available, water for cooking and drinking purposes shall be kept in covered receptacles which shall at all times be maintained in a clean and sanitary condition. Such water shall be obtained from a source approved by the Health Authority.

Food Handlers

238. (1) No person affected with any contagious disease in a communicable form shall be engaged, employed or serve in any bakeshop.

(2) No owner, proprietor, occupant, manager or agent or representative of such owner or proprietor of any bakeshop shall employ or retain in his employ any person who is known or reasonably believed to be affected with such disease.

(3) No person knowing, or having reasonable cause to believe himself to be affected with such disease, shall seek or continue in such employment or service.

(4) The Health Authority may examine any person who may be engaged in any bakeshop who is suspected of having any contagious disease in a communicable form, or may require such person to furnish it with a certificate from his medical adviser with regard to his condition in respect to any such disease.

(5) No person affected with any such disease shall continue in such work, employment or service unless and until a further examination has been made and he is found to be free from such disease.

Storage of Bread

239. In case bread is stored, displayed or offered for sale, it shall be kept off the floor and properly protected from dust, dirt and flies and all unnecessary handling by covering approved by the Health Authority.

240. Except in the case of a vent or waste pipe in connection with a water carriage system installed in accordance with the Plumbing Regulations made pursuant to The Public Health Act, no bread or food products shall be made, baked, or stored in any room through which a vent or waste pipe from any closet or urinal passes.

Baking Products For Sale

241. In case bakery products have been received for sale, no person, firm or corporation, shall expose them in any public place which is not thoroughly protected from dust, dirt, rodents, flies and insects, and all unnecessary handling, or from any source of contamination.

Shipping and Containers

242. (1) Boxes or other containers used for shipping bread shall be kept in good repair and shall not be deposited on the ground but shall be so placed that dogs and other animals shall not have access thereto.

(2) All vehicles, boxes, baskets and other receptacles in which bakery products are contained, deposited, received or stored shall at all times be kept clean, covered, ventilated and screened or otherwise protected.

(3) All bakery products contained and transported in vehicles of every type shall be properly protected from dust, flies, other insects and all other sources of contamination.

Miscellaneous

243. (1) Only clean, unused wrappers may be used for bakery products.

(2) All premises shall be kept free from flies, cockroaches, mice and other vermin and rodents.

(3) All bakeshop premises shall be kept in a clean and sanitary condition and in good repair.

(4) Persons engaged in making or baking bread shall be cleanly in their habit and person, and shall wear clean washable clothing.

(5) Under no condition may an employee use as a drinking cup any utensil which is used in the manufacture of bakery products.

(6) No person shall smoke, use snuff, or chew tobacco, or spit in any bakeshop.

(7) Only approved individual towels shall be provided.

(8) Wearing apparel not in use and all toilet requisites shall be kept in the washroom or other room specially provided for the purpose which shall be separate from any room used for the making, baking or storing of bread, and no articles other than those required for making, baking or storing bread shall be kept in the bakeshop.

(9) No domestic animal shall be allowed in any room in which bread is made, baked or stored.

(10) All stoves shall be connected by tight pipes to a flue or chimney and shall be maintained in a serviceable condition at all times.

Inspection of Bakeshop Premises

244. (1) Any authorized representative of the Health Authority may enter any bakeshop at any time for the purpose of inspecting the premises and carrying out provisions of these regulations or the regulations of the Health Authority.

(2) If in the opinion of the Health Authority any bakeshop has failed to comply with the provisions of these regulations a notice in writing may be given to the occupant by the Authority, giving particulars of the defects, together with an order requiring the occupant to comply with the regulations and remedy the defects within a stated time.

(3) If the occupant neglects or refuses to comply with the order within the time stated therein, the Health Authority may order that the premises be closed, in which case notice to that effect shall be affixed to the outside of every outer door of the bakeshop which shall remain closed until the order has been complied with to the satisfaction of the Health Authority.

Penalty for Destroying Notices

245. (1) Any person who wilfully or maliciously takes down, covers up, mutilates, defaces or alters any notice posted up under the provisions of these regulations shall be guilty of an offence, and on summary conviction shall be subject to a fine of not less than five dollars nor more than fifty dollars and costs, and in default of payment, to imprisonment for a term not exceeding three months, with or without hard labour.

(2) The imposition of a penalty for failure to comply with a notice shall not relieve the person in default from complying with the terms of the order of the Board, but he shall be liable on summary conviction to a further penalty of not less than One Dollar, nor more than Ten Dollars, for each day that he operates a bakeshop in contravention of the Order of the Board, and in default of payment, to imprisonment with or without hard labour for a term not exceeding six months.

246. In addition to the foregoing the provisions of The Public Health Act and Regulations made thereunder shall apply to all bakeshops.

GOVERNMENT OF THE PROVINCE OF ALBERTA**Provincial Board of Health Regulations Respecting the Preparation,
Manufacture, Processing and Sale of Canned Meat or
Canned Meat Food Products**

(O.C. 845-42)

Definitions

275. In these Regulations, unless the context otherwise requires:

(a) "Can" shall mean any hermetically sealed metal container, glass bottle, package or container.

(b) "Canned Meats" means and includes any meat, meat food products, poultry or fish that has been cooked or partially cooked, condensed, preserved, evaporated, dehydrated, dried or otherwise processed or prepared for food and placed in any can as defined above.

(c) "Carcass" means a carcass of any sheep, cattle, veal, swine, goats, game, poultry or fish.

(d) "Export" shall mean the taking or sending of any product out of Canada or out of any province to any other province thereof.

(e) "Inspection Legend" shall mean an official mark or stamp placed upon meats or meat food products, or packages containing meat or meat food products, signifying that the said meat or meat food products have been inspected and passed as fit for human consumption.

(f) "Licensee" shall mean any person holding a license from the Provincial Board, authorizing him to prepare, manufacture and/or process canned meats or canned meat food products.

(g) "Portions" shall mean the usual cuts known to the butcher trade as sides, quarters, shoulders, hams, etc., or portions thereof, and also entire organs such as tongues, livers, hearts, etc.

(h) "Processor" means any person who prepares, manufactures and/or processes canned meat.

Licenses

276. (a) No person shall prepare, manufacture and/or process canned meats or canned meat products for sale or for human consumption within the Province of Alberta unless he has first obtained a license from the Provincial Board authorizing him so to do, provided that persons preparing, manufacturing and/or processing canned meat or canned meat food products for export under supervision of the Health of Animals Branch of the Dominion Government Department of Agriculture shall not require such license.

(b) Any person wishing to obtain a license, as mentioned above, shall apply in writing for same to the Provincial Board, accompanied by a fee of \$10.00 to pay for the license. The following information shall be included in any letter of application for a license:

- (1) The name and address of the applicant.
- (2) The name under which the establishment is to be operated.
- (3) The ingredients, and quantities of each, making up each and every canned meat or canned meat food product his firm proposes offering for sale for human consumption.
- (4) The processing procedure, the temperature, the time of processing, etc., to which each and every canned meat or canned meat food product is to be subjected.
- (5) The size or sizes of cans in which each and every canned meat or canned meat food product is to be processed and offered for sale to the public.
- (6) The commercial name under which each and every canned meat or canned meat food product is to be sold to the public.

277. The license issued in connection with any establishment shall be posted by the licensee in a prominent place on the premises.

278. Any license granted by the Provincial Board shall stipulate thereon the names of all canned meats or canned meat food products which may be manufactured and sold by the licensee. No other canned meat or canned meat food product shall be manufactured or sold by the licensee until such time as the licensee has had his license amended by the Provincial Board to permit same.

279. Licenses shall be renewed annually and shall expire at the end of each calendar year. Applications for renewal shall be accompanied by a fee of \$10.00. The Provincial Board may, for any just reason of its own, suspend or cancel any license issued pursuant to these Regulations.

Sanitation of Premises

280. All establishments in which canned meats or canned meat food products are prepared and stored shall observe the following sanitary conditions:

(a) A suitable weather-proof building located on an approved site shall be provided, situate on water and sewer facilities where such are available, and where not available pure water and the best possible arrangement provided in place of sewer. All rooms shall be generously lighted, ventilated and screened against flies. The floor shall be of concrete or such other impervious material properly graded to floor drains. The walls throughout shall be of impervious material with a smooth surface. All appliances such as tables, vats, machines, containers, etc., shall be of such material and construction as will permit of their being readily and thoroughly cleaned. All steps in the course of production shall be carried on carefully and with strict cleanliness.

(b) Rooms in which carcasses, parts or products thereof are placed or prepared shall have walls of impervious material with a smooth surface and shall be scraped, scrubbed, or painted at such time and in such manner as may be deemed advisable by any executive officer of the Provincial Board, and shall contain facilities such as live steam for cleansing all equipment.

(c) Rooms in which animals are slaughtered shall have concrete floors with rough surface properly graded to floor drains, walls of impervious material with a smooth finish. Necessary apparatus for slaughter such as knocking box, sticking pen, scalding tank and windless, etc., shall be provided. Rooms in which canned meats or canned meat food products are prepared shall be kept as far as possible free from steam, vapour and flies. Chill rooms and refrigerating rooms shall also be kept free from excessive moisture.

(d) No carcasses or parts thereof entering into the production of food shall be allowed to come in contact with anything that will contaminate or cause deterioration.

(e) All tanks and other equipment used for rendering or preparing inedible products must be placed and operated in a building, room or rooms, entirely separate from those used in rendering, processing or manufacturing edible products. There shall be absolutely no connection by pipes, pumps or otherwise between these rooms, steam pipes excepted. Each room shall have a separate entrance.

(f) The yards or pens belonging to or used in connection with any establishment shall be of proper construction, maintained in a clean, comfortable and sanitary condition and shall not be used for the fattening of swine or other animals, nor shall offal or other refuse from the establishment be utilized for feeding purposes.

(g) Dressing rooms and lavatory accommodation shall be ample, sanitary, and fully equipped, with outside light and ventilation, and shall be entirely apart from any room or compartment used for the storing or production of food.

(h) All employees shall wear special and suitable clothing of materials that are easily washed, and which shall be maintained at all times in a sanitary condition.

Ingredients of Canned Meats or Canned Meat Products

281. All carcasses or portions used in the preparation, processing or manufacture of any canned meat or canned meat product shall bear the Inspection Legend of the Health of Animals Branch, Dominion Government Department of Agriculture, or the Inspection Legend of a qualified veterinary inspector approved by the Provincial Board.

282. No canned meat or canned meat products shall contain any deleterious substance, drug, dye or preservative.

283. No canned meat or canned meat products shall be prepared or manufactured from carcasses, or portions, which are injured, tainted, spoiled or diseased.

General

284. Every licensee shall keep a diary in which he shall record in detail the amount and the kind of products processed during any day that his plant is operated. In the event that the licensee operated a wholesale business, he shall make a record in the diary of all sales to retail organizations, including the name of the said organization, the names of the products sold, the amount of each product sold and the date of sale.

285. Every processor shall, upon request by an Executive Officer of the Provincial Board, furnish the said official free of charge, with any sample or samples of dyes, preservatives, canned meat or any ingredient used in the preparation thereof, for chemical or bacteriological analysis. If any such analysis or any other analysis, in the opinion of the Provincial Board, show any canned meat or product or ingredient in any canned meat to be unfit for use, the entire stock of dyes, preservatives, canned meat or any ingredient used in the preparation thereof, may be seized and disposed of to the satisfaction of the Provincial Board.

286. All canned meats or canned meat food products for sale in hermetically sealed cans shall show thereon on the main panel of the label, or in a position satisfactory to the Provincial Board, the net weight of the contents, or where applicable, the volume in fluid ounces, and the name of the firm or person packing the product.

(Extract from *The Alberta Gazette* of June 30, 1942, and of June 14, 1947.)

GOVERNMENT OF THE PROVINCE OF ALBERTA
DEPARTMENT OF PUBLIC HEALTH
PUBLIC HEALTH REGULATIONS NUMBERED 251 to 273
(INCLUSIVE), GOVERNING

FOOD AND DRINK

(Orders in Council Numbered 1237-35; 829-36; 6-38; 37-39; 1117-48 and 1381-48)

Authority—The Public Health Act, Chap. 183—R.S.A. 1942.

Sections 7(1)(c), 7(1)(d), 7(1)(y), 7(1)(aa), 7(1)(cc), 7(1)(dd), 7(1)(kk),
and 7(1)(rr).

Food Handlers

251. (1) No person affected with any communicable diseases in a communicable form shall be engaged, employed or serve in any work, occupation or employment which requires or occasions the handling of any food, liquid, or material intended for food or drink for human consumption, or the handling of any dish or other article used in the preparation or serving of food or drink for human consumption.

(2) No owner, proprietor, manager, or agent or representative of such owner or proprietor of any establishment, business or occupation shall employ or retain in his employ for the performance of any service as aforesaid, any person who is known or reasonably believed to be affected with such disease.

(3) No person knowing, or having reasonable cause to believe himself to be affected with such disease, shall seek or continue in such employment or service.

(4) This regulation shall not apply to any person who handles such food or liquid, or food products exclusively while contained in wrappers, boxes, cases or other containers, or who handles such food or liquid or food products by mechanical means in such manner that such food cannot come into contact with the hands or any portion of the body of such person.

(5) The Local Board may examine any person who may be engaged in any occupation, work or service included in the foregoing subsections (1) and (2), and who is suspected of having any contagious or infectious diseases in a communicable form, or the Local Board may require such person to furnish it with a certificate from his medical adviser with regard to his condition in respect to any such disease.

(6) No person affected with any such disease shall continue in such work, employment or service, unless and until a further examination has been made, and he is found to be free from such disease.

252. No person shall supply to any hog nor permit any hog under his care to feed on the raw flesh of any animal which has died of sickness or has been killed while sick.

Adulterated or Impure Foods Offered for Sale

253. No person shall exhibit, donate, sell, offer for sale or keep in any place where food is exhibited, or offered for sale as food for man, any of the following: Food which is injured, tainted, spoiled or diseased, the flesh of animals which have died of sickness or have been killed while sick, the flesh of calves, swine or lambs or any other animals killed before they are three weeks old, adulterated milk or milk from cows affected with tuberculosis, or any other diseases that may be transmitted through milk or other dairy products, adulterated or impure food or drink of any kind.

The flesh of any male cattle or swine which has been used for breeding purposes, whether such animal has been castrated or not prior to slaughter, when offered for sale as food for human consumption, shall be labelled and sold as "Bull Beef" or "Boar Pork" as the case may be.

Inspection of Food Supplies

254. Every executive officer may inspect any animal dead or alive, meat, fowl, game, flesh, fruit, vegetable, grain, fish, bread, flour, milk, grease, or any animal or vegetable product or food or drink intended for consumption of man offered for sale, donated or deposited in a place or being transported in a vehicle for the purpose of being afterwards sold or offered for sale or delivered after being sold; and if upon inspection, such animal, food or drink is found to be unwholesome, putrid, damaged or infected with the germs of disease, or in any condition such that if used for human consumption they might cause an injury to health, he may seize the same, and carry or cause them to be carried away and so dispose of them that they shall not be offered for sale or served for human consumption.

Onus of Proof

255. In any prosecution under the preceding regulation, the burden of proof that any article in respect of which the charge is laid is not kept for sale or intended for food shall be upon the person charged.

Food Stuffs Displayed for Sale

256. No meat, breadstuff, cake, pastry, fruit, fish, flesh, candy, or any other article whatever, whether solid or liquid, intended as food for man, shall be kept, sold or offered for sale outside any store, shop or other building, or in the open doorways or windows thereof, or in any street or public place, unless such article of food shall be raised from the ground a sufficient height to prevent animals gaining access thereto, and kept properly covered so that it shall be protected from dust, dirt and flies, and all vehicles used for the delivery or conveyance of any article intended to be used as food for man shall be kept clean, and all such food shall be properly protected from flies, dust or other contamination by suitable covering.

256. (1) Containers used for the shipping or sale of puffed cereals and made up from woven materials must have a suitable lining of waxed paper or cellophane.

256. (2) All containers must be sealed with suitable materials and in a manner satisfactory to the Local Board or the Provincial Board of Health.

257. All persons in charge or control of any factory, warehouse, slaughter-house, packing house, cannery, hotel, restaurant, boarding-house, market, meat shop, grocery, confectionery, baking or other shop or place where meat, fish, flesh, fowl, game, fruit, vegetables, bread, flour, cereals, candy, groceries, preserves, butter, milk, cream or any other form of food for human consumption is offered for sale, manufactured, sold or exhibited, shall keep, and maintain such premises and all parts thereof and all machinery, plant, implements of trade, cupboards, shelves, receptacles, refrigerators, ice boxes, tools and appliances therein, and all contents of such premises, in all particulars in a clean, satisfactory, proper and fit condition.

258. All premises with the plant, machinery, implements of trade, receptacles and appliances and the contents of such premises shall be subject at all times to the inspection and orders of any executive officer of the Local Board or Provincial Board of Health.

259. All employees or other persons engaged and working in or about premises where the manufacturing, preparing, making, handling, care and sale of any food for human consumption is carried on, shall be at all times cleanly in their habits and mode of working and in their persons, and shall wear clean, washable clothing. No person shall use as sleeping accommodation nor shall any animal be permitted to remain in any room where food for human consumption is stored, prepared or consumed.

260. No person shall display any meat, meat products, unwrapped bread of any kind, cake, pastry, fruit, fish, candy, confectionery or any other article of food whatever, intended as food for man, except wrapped, packaged, canned

or bottled goods, unless such articles of food be displayed so as to prevent any handling by the public, and unless such articles of food be protected from contamination by dust, dirt or flies. All buildings in which food for human consumption is sold, offered for sale or displayed, shall be screened against flies, vermin and rodents.

261. All vehicles used for transportation of any article of Food or Drink shall be maintained at all times in a clean and sanitary condition.

262. Any vehicle having previously been used for transporting cattle, horses, hogs, sheep or poultry, or any offensive or putrifiable material of any kind whatsoever, shall not be used for the transportation of foodstuffs for human consumption until such vehicle has been thoroughly cleansed, lime washed and placed in a satisfactory sanitary condition.

Moreover, no person shall load or permit to be loaded, any vehicle which has previously been used for transporting cattle, horses, sheep or poultry, or any offensive or putrifiable material of any kind whatsoever, with any article to be subsequently used as food or drink for human consumption, unless such vehicle has been thoroughly cleansed, lime washed and placed in a satisfactory sanitary condition.

263. Liquid refreshments, excepting milk, but including drinking water, when kept in bulk for sale or for use by the public, shall be kept in a covered container and shall be drawn by means of a tap and the container shall be kept and maintained clean and sanitary at all times. All liquid refreshments shall be served to the public in individual containers. If paper cups are used their reissue is prohibited. The supplying of straws is forbidden, except when such straws are protected from dust, dirt and unnecessary handling.

Ice Cream Vendors; Soda Fountains; Beer Parlours and Food Vendors Generally

264. The owners and (or) operators of hotels, restaurants, ice cream parlours, soda fountains and other establishments serving food or beverages shall dispense such goods in clean utensils sterilized when necessary. All such establishments shall be provided with facilities for the thorough cleansing of any vessel or utensil coming in contact with any food or beverage. No cracked, chipped or otherwise damaged vessels or utensils shall be used for the purpose of serving food or beverages to the public.

264a. (1) For the purpose of this Regulation, a restaurant shall be defined as a place wherein food and drink are sold to the public to be consumed on the premises, but shall not include establishments selling food and drink to be consumed on or off the premises, but consisting only of soft drinks or ice cream in its various forms, and shall not include temporary erections such as tents or stalls which are not to be used for a longer period than seven days in connection with fairs, bazaars, et cetera.

(2) Every restaurant providing seating capacity and counter or table facilities not capable of serving more than fifteen persons at any one time shall provide a washroom that will be readily accessible to its guests, whereas every restaurant providing seating capacity and counter or table facilities capable of serving more than fifteen persons at any one time shall provide at least two similar washrooms, one for each sex. All washrooms mentioned shall be provided with at least one wash basin with running water, and shall be provided with liquid soap and some type of individual towel satisfactory to the Local Board or the Provincial Board.

(3) In municipalities possessing sewage systems, restaurants not capable of serving more than fifteen persons as outlined above, shall provide at least one readily accessible water closet for the use of its guests, whereas every restaurant capable of serving more than fifteen persons at any time, as outlined above, shall provide at least two water closets, one for each sex. Water closets shall be installed to comply with Provincial Board of Health Plumbing Regulations, and a sufficient supply of toilet paper shall be available at all times (newspapers or waste papers being prohibited).

(4) In the case of restaurants requiring separate washrooms and toilet facilities for the different sexes, as provided for in Sections 2 and 3 of this Regulation, the Medical Officer of Health may require as many additional wash basins and water closets to be provided for public use as he deems necessary.

(5) In municipalities not possessing sewerage systems, every restaurant shall provide one or more outside toilets for its guests as required by the Local Board of Health. Such toilets shall be hidden by a trellis or fence, and shall be kept clean and fly proof at all times. A sufficient supply of toilet paper shall be available at all times (newspapers or waste papers being prohibited).

(6) Washrooms and toilets mentioned in this Regulation shall be maintained in a clean and sanitary condition at all times.

(7) In the event that any question arises as to the classification into which any restaurant be included, as outlined above, the decision of the Local Board of Health shall be final.

Cleansing and Storage of Utensils

265. (1) The equipment and facilities for the cleansing and sterilizing of utensils shall be as follows:

(a) mechanical equipment so designed and operated that all utensils are adequately cleansed and sterilized; or

(b) Manual equipment consisting of,—

(i) at least two sinks or containers of non-corrodible metal or porcelain of sufficient size to ensure thorough cleansing and sterilizing; and

(ii) draining racks of non-corrodible material; and

(c) an ample supply of potable hot and cold water.

(2) Notwithstanding the provisions of clause (b) of sub-regulation 1, where,—

(a) any premises has not been operated as eating establishment prior to the 1st day of January, 1949, and is opened for business as an eating establishment on or after that date; and

(b) manual equipment is used;
the operator thereof shall provide at least three sinks of the kind and size mentioned in clause (b) of sub-regulation 1.

(3) Notwithstanding the provisions of clause (a) of sub-regulation (1) the operator of every eating establishment where manual equipment is used, and which was opened for business before the 1st of January, 1949, when installing new equipment for cleansing and sterilizing utensils or making major modifications to existing equipment shall do so in accordance with sub-regulation (2).

266.

(a) All utensils for serving or preparing food shall be cleansed and sterilized each time before being used.

(b) After cleansing and sterilizing, utensils shall be kept in such place and manner as to prevent contamination.

267. All utensils shall be,—

(a) Washed in a detergent solution which is,—

(i) capable of removing grease and food particles; and

(ii) maintained at a temperature of at least 110 degrees Fahrenheit;
and

(b) sterilized and rinsed in accordance with these regulations.

268. Where—

(a) manual equipment is used and the eating establishment has been carrying on business prior to the 1st of January, 1949, utensils shall be,—

(i) washed in the first sink, containing detergent solution as prescribed by clause (a) of regulation 267; and

(ii) sterilized in the second sink, as prescribed by regulation 269; and

- (b) manual equipment is used and the eating establishment is opened for business on or after the 1st of January, 1949, utensils shall be:
- (i) washed in the first sink, containing detergent solution as prescribed by clause (a) of regulation 267;
 - (ii) rinsed in the second sink in clean water at a temperature of at least 110 degrees Fahrenheit; and
 - (iii) sterilized in the third sink, as prescribed by regulation 269

269. (1) Utensils shall be sterilized by,—

- (a) immersion in water at a temperature of at least 170 degrees Fahrenheit for at least two minutes;
- (b) immersion in chlorine solution of not less than 100 parts per million available chlorine at a temperature of not lower than 110 degrees Fahrenheit for at least two minutes; or
- (c) immersion in a solution containing a quaternary ammonium compound having a strength of at least 200 parts per million at a temperature of not less than 110 degrees Fahrenheit for at least two minutes.

(2) No quaternary ammonium compound or other sterilizing agent shall be used unless convenient tests of the strength of the agent can be employed by the operator.

270. (1) Where mechanical equipment is used, all utensils shall be rinsed in clean water at a temperature of at least 170 degrees Fahrenheit for at least two minutes, but where the temperature exceeds 170 degrees Fahrenheit the time may be reduced, providing the bacterial results comply with the standards referred to in regulation 271.

(2) Mechanical equipment shall be equipped with thermostat control.

271. The cleansing and sterilizing of utensils shall meet recognized public-health standards, and the plate count shall not exceed 100 bacteria per utensil when tested in accordance with the standard plate test, utilizing the swab technique.

272. (1) Where chemical sterilization is employed, the operator shall use suitable testing-equipment and shall make tests often enough to ensure that the correct amount of chemical is in solution.

(2) The sterilizing solution shall be completely changed often enough to prevent soiling of the utensils.

Closing Eating Establishments

273. (1) Where the Local Board or the Medical Officer of Health find that any condition exists in any eating-establishment that is or may become dangerous to the health or may hinder in any manner the prevention, mitigation or suppression of disease, the Local Board of Health may order the eating establishment be closed within seven days from the date of issuance of said order and remain closed until the condition has been rectified.

(2) Within 24 hours after issuing the order, the Local Board of Health shall give written notice thereof to the operator, together with the reasons for the closing.

(3) Where a license has been issued to the eating establishment, the Local Board shall also give the notice and the reasons referred to in sub-regulation 2 to the authority which issued the license.

(4) Where the owner or operator of the eating establishment considers the order of closure to be unjustified he may within seven days of receipt of the order appeal in writing to the Provincial Board of Health.

(5) The Provincial Board upon receipt of the appeal shall duly consider the same, and may make such inspection and hear such representations as the Provincial Board may deem advisable.

(6) The Provincial Board may in its discretion affirm, amend or rescind the order of closure and the decision of the Provincial Board shall be final.

REGULATIONS GOVERNING HORSEMEAT

Order in Council Number 353-51

AUTHORITY: The Public Health Act, R.S.A. 1942, Chap. 183, Section 7(1)(g).

Definitions

37-1. In these regulations, unless the context otherwise requires, the expression:

-1. "Horse Meat" means the meat of horses and includes such meat whether cooked or uncooked and whether alone or mixed with any other substance or substances and which is intended for human consumption.

-2. "Inspection Legend" shall mean an official mark or stamp placed upon horse meat, or packages containing horse meat, signifying that the said horse meat has been inspected and passed as fit for human consumption.

-3. "Approved Slaughter House" shall mean and include any slaughter house under the supervision of the Health of Animals Branch of the Dominion Government Department of Agriculture.

Application

37-2-1. Except in cases where all the provisions of these regulations are complied with, it is forbidden to sell, offer for sale or distribute horse meat.

Slaughter and Inspection of Horse Meat

37-3-1. The slaughter of horses where any portion of the horse meat is intended for human consumption shall be carried on in approved slaughter houses, in which no other kind of animal shall be slaughtered.

37-3-2. All horse meat shall bear the Inspection Legend of the Health of Animals Branch of the Department of Agriculture of the Government of Canada.

Distributors' Premises and Permits

37-4-1. Horse meat shall not be sold, offered for sale or distributed in any places other than the establishments specially reserved for the purpose, and no other kind of meat or meat product shall be sold in the said establishments. Such establishments shall conspicuously display a sign stating in capital letters not less than three inch size, "Horse Meat Sold Here."

37-4-2. No person shall sell, offer for sale, or distribute horse meat without obtaining a permit in writing so to do from the Local Board of Health of the Health District in which the said horse meat is to be sold, offered for sale, or distributed. The said permit shall define the establishment with respect to which it is issued and be limited to such establishment.

Identification of Horse Meat

37-5-1. No person shall sell, offer for sale, or distribute horse meat unless such horse meat bears a strip brand or strip brands indicating that it is horse meat. Such strip brand shall only contain the words, "Horse Meat" in letters not less than seven-sixteenths of an inch high. A green vegetable dye shall be used for this purpose.

37-5-2. Where horse meat is sold in packages, all such packages shall bear on the main panel of both inner and outer label, a declaration of the presence of horse meat in characters no less legible and conspicuous than any other character upon such label.

37-5-3. In any restaurant or other public eating establishment, any foods containing horse meat shall be clearly identified on every menu by the words, "contains horse meat" in characters not less legible and conspicuous than any other character upon such menus. If a menu is not used, a placard listing the foods containing horse meat and stating clearly that these foods contain horse meat shall be prominently displayed in some conspicuous place in the dining room or other public eating place. All letters on the said placard shall be capitals and not less than one and one-half inches high.

Penalties

37-6-1. Every person who commits a breach of these regulations shall be guilty of an offence and liable upon summary conviction:

-1. For a first offence to a fine not exceeding fifty dollars and costs and not less than ten dollars and costs;

-2. For any subsequent offence to a fine not exceeding one hundred dollars and costs and not less than twenty-five dollars and costs.

(Extract from The Alberta Gazette of March 31, 1951)

THE PUBLIC HEALTH ACT

Regulations Governing Restaurants

(Orders in Council Numbered 1123-38 and 1120-48)

551. For the purpose of these Regulations, the term "restaurant" shall mean and include every building, or part of a building, tent or other erection where food or drink is sold to the public to be consumed on the premises, and shall include cafes, lunch counters, tea rooms and ice cream parlours, as well as canteens, cafeterias and dining rooms on the premises of educational institutions and on commercial and industrial premises.

Building Construction

552. Every restaurant building shall, in the opinion of the Local Board or of the Provincial Board, be of sound construction throughout, and suitable and satisfactory in every respect for the purpose intended, and maintained in a proper state of repair.

553. If the cellar or basement of any restaurant is used for the storage and/or preparation of food and/or drink, such cellar or basement shall be maintained in a clean and sanitary condition, shall be ventilated to the satisfaction of the Local Board or of the Provincial Board, and shall be painted or white-washed as often as required by the Local Board or by the Provincial Board.

554. Toilet and washroom facilities shall be provided in connection with every restaurant as provided for in Regulation 264(a) of Provincial Board of Health Regulations Governing Food and Drink.

555. The plumbing in any restaurant shall conform with the requirements of Provincial Board of Health Regulations Regarding Plumbing and Drainage.

555a. "No closet or urinal shall be placed in a room opening directly off any room where food is stored, served, kept or prepared, but must be separated therefrom by a well-ventilated intervening room, space or passage with self closing doors. Partial partitions shall not be permitted." This regulation shall apply only to new construction or alterations to buildings taking place after January 1st, 1949.

556. All restaurants located on property lying adjacent to a public sewer shall be provided with sewerage connections and properly located sinks, installed in full compliance with Provincial Board of Health Regulations Regarding Plumbing and Drainage.

557. Doors, windows and other openings in any restaurant shall be properly screened against flies and other insects from May 1st to November 1st following, if in the opinion of the Local Board or of the Provincial Board, such screening is necessary.

Kitchen and Store Rooms—Food and Drink—Ice—Dishwashing Facilities

558. Walls, ceilings and floors in every kitchen, pantry and food store-room shall be kept clean and in good condition at all times. Ceilings and walls shall be plastered or covered with acceptable non-absorbent material.

559. The existence of any cockroaches, silverfish, vermin or rodents in any kitchen or store-room, or in any restaurant shall be deemed a nuisance.

560. Every kitchen operated in connection with a restaurant shall be lighted and ventilated to the satisfaction of the Local Board or of the Provincial Board. Ventilation shall be such as to remove gases, odours and fumes caused by the preparation of foods.

561. Surfaces on which food is prepared or served, or on which dishes are washed and handled, shall be of hardwood construction, with tight joints, or shall be covered with non-tarnishable metal, or other non-absorbent material.

562. All stoves, sinks, dishwashing apparatus, wash racks, shelves, tables, counters, meat blocks and meat racks shall be kept clean and sanitary at all times.

563. All garbage while in the kitchen shall be kept in water-tight containers.

564. All food requiring preservation shall be kept in a clean, well ventilated room, store or enclosure at a temperature of not more than 50 degrees Fahrenheit. Milk and dairy products shall not be kept in contact with foods which might cause them to be tainted in taste or odour.

565. All food and drink shall be handled, prepared and served under clean and sanitary conditions, and in such a manner as to comply fully with all Provincial Board of Health Regulations Governing Food and Drink.

566. No person shall sleep in a room used for keeping, storing, preparing or cooking food.

567. No domestic animal shall be allowed in any restaurant, or in any kitchen or store-room operated in connection therewith.

568. The water used in any restaurant for any purpose whatsoever shall be obtained from a source satisfactory to the Local Board or to the Provincial Board. In the event that the water used in any restaurant is obtained from wells, the said wells shall have a tight casing and shall be sealed in such a manner as to prevent surface water gaining access to the well, and shall be equipped with pumping facilities secured at the base so as to be water-tight. In no case will a rope and bucket system of raising water from the well be permitted.

569. Water kept in bulk for the use of, or for sale to, the public, shall be drawn from a suitable covered container by means of a tap, or from an approved type of drinking fountain, and the container shall be kept in a clean and sanitary condition at all times.

570. No natural ice shall be used in any restaurant unless it has been obtained from a satisfactory source, and stored in a satisfactory manner, as provided for in Provincial Board of Health Regulations Respecting Water and Ice.

571. Dishwashing facilities shall be provided in connection with every restaurant, as required by Regulation 266 of Provincial Board of Health Regulations Governing Food and Drink.

572. No wearing apparel or toilet requisites or articles of any kind which are not required for the preparation, storing or handling of food shall be kept in any kitchen, pantry or store-room.

General Regulations

573. All restaurant garbage and refuse shall be placed, prior to removal, in properly covered receptacles at the rear of the lot, and in cities, towns, villages and hamlets which have no by-law governing garbage collection, the restaurant owner shall be responsible for making the necessary arrangements whereby garbage and refuse are removed from the premises at least every other day during the months from May 1st to November 1st following, and as often as is necessary during the remaining months of the year. In cities, towns, villages

or haulers having a by-law governing garbage collection in effect, the requirements of the said by-law shall apply to the handling and removal of garbage and refuse from any restaurant located within the said city, town, village or hamlet.

574. All employees or other persons engaged and working in or about any restaurant premises, shall at all times be cleanly in their habits, in their mode of working and in their person, and, head waiters excepted, shall be attired in overalls or smocks of washable material, the same to be changed as often as is necessary.

575. No food shall be served in any restaurant unless it has been prepared on the premises, or in a kitchen which has been approved by the Local Board or by the Provincial Board.

576. Where the kitchen in which food is prepared for any restaurant is located such that it is necessary to transport the said food from the said kitchen to the said restaurant in special utensils or vehicles, such utensils, vehicles and the methods used in transporting food shall be satisfactory to the Local Board or to the Provincial Board.

577. Tablecloths in restaurants shall be kept clean at all times. Cloth napkins, where provided, shall be washed and ironed after being used by any guest.

578. All food handlers in or about any restaurant shall be subject to the requirements of Regulation 251 of Provincial Board of Health Regulations Governing Food and Drink.

579. Dining rooms and all places where meals and lunches are served shall be kept clean, well ventilated, heated and lighted, and all openings shall be screened if deemed necessary by the Local Board or by the Provincial Board. This requirement shall include the proper cleaning and painting of ceilings and walls, proper cleaning of floors, tables, shelves, counters, chairs, trays and other dining room equipment.

580. Any executive officer of the Provincial Board or of the Local Board may, by written order require that, within a stated period of time, specific alterations may be made in any building used for restaurant purposes, or that specific changes be made in the methods of conducting any restaurant business, in order that the said building or the methods of conducting the said restaurant business shall comply with the requirements of any or all of these Regulations.

581. Notwithstanding anything contained in these Regulations to the contrary the Local Board or the Provincial Board may, in the case of booths or lunch counters operated in conjunction with fairs, carnivals, etc., provided such operation shall not exceed a period of fourteen days, exempt the owners or operators of the said booths or lunch counters from any or all of the requirements of Regulations 552, 554, 557.

(Extract from *The Alberta Gazette* of September 30, 1938
and of October 15, 1948.)

LIVE STOCK AND LIVE STOCK PRODUCTS LEGISLATION

THE LIVE STOCK AND LIVE STOCK PRODUCTS ACT, 1950—ONTARIO

Statutes of Ontario, 1950

CHAPTER 37

Assented to March 24th, 1950.

Session Prorogued April 6th, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation.

1. In this Act,

- (a) "Commissioner" means Live Stock Commissioner;
- (b) "commission merchant" means any person, partnership, corporation or co-operative association engaged in the business of buying or selling live stock or live stock products for a commission;
- (c) "grade" means the classification of any live stock or live stock product according to the prescribed standards;
- (d) "inspector" means an inspector appointed for the purposes of this Act;
- (e) "live stock" means cattle, swine, sheep and live poultry;
- (f) "live stock products" means meat, raw hides, dressed poultry, eggs and wool;
- (g) "Minister" means Minister of Agriculture;
- (h) "regulations" means regulations made under this Act;
- (i) "shipper" means any person who assembles, ships, transports or offers for sale any live stock or live stock product on his own account or as an agent for any person;
- (j) "stockyard" means any premises used as a market for purchasing and selling live stock designated a stockyard by the regulations.

Advisory committee.

2. The Lieutenant-Governor in Council may authorize one or more persons engaged in the production or marketing of live stock or live stock products to act as an advisory committee with the Minister or his representatives in connection with the production or marketing of any live stock or live stock products.

Inspectors appointment of.

3. The Lieutenant-Governor in Council may appoint one or more inspectors for the purposes of this Act and may fix their remuneration and allowance for expenses.

Inspectors power of.

4. (1) Any inspector, for the purpose of enforcing this Act and the regulations, may,

- (a) enter any place, premises or vehicle containing or used for the storage or carriage of any live stock or live stock product;
- (b) stop on a highway any vehicle which he believes to contain any live stock or live stock product and inspect the vehicle and any live stock or live stock product found therein;
- (c) require the production of any books, records or other documents relating to any live stock or live stock product or the furnishing of copies of or extracts from such books, records or other documents;
- (d) take samples of any live stock product in the manner prescribed by the regulations;

- (e) delay the shipment of any live stock or live stock product for the time necessary to complete his inspection thereof;
- (f) refuse to inspect or mark or give any certificate respecting any live stock or live stock product found in any place, premises or vehicle deemed by him to be unsanitary or unsuitable for inspection purposes;
- (g) seize and detain any live stock or live stock product which has been manufactured, packed, branded, labelled, marked, shipped or transported in violation of this Act or the regulations and subject to any order made by the Minister under section 5 require the owner to remove such live stock or live stock product from the place of detention at the expense of the owner.

Obstruction.

(2) No person shall obstruct any inspector in the performance of his duties or refuse to permit the inspection of any live stock or live stock product or furnish any inspector with false information.

Production of records.

(3) Every person shall, when required by an inspector, produce any books, records or other documents relating to any live stock or live stock product or copies of or extracts from such books, records or other documents.

Disposal of seized live stock, etc.

5. (1) Any live stock or live stock product seized or detained by an inspector shall be disposed of as the Minister may direct.

Live stock seized and detained at expense of owner, etc.

(2) Any live stock or live stock product seized, detained or disposed of under this Act shall be at the risk and expense of the owner thereof, and the inspector shall immediately notify the owner that such live stock or live stock product has been seized, detained or disposed of as the case may be.

Regulations.

6. (1) The Lieutenant-Governor in Council may make regulations,
- (a) establishing and describing standards for the purpose of grading any live stock or live stock product;
 - (b) providing for the issue of grading certificates and prescribing the form thereof;
 - (c) prescribing the manner in which samples of any live stock product may be taken for inspection;
 - (d) providing for and prescribing the manner and conditions of grading, inspection, packing, branding and marking of any live stock or live stock product;
 - (e) prescribing the manner in and the conditions under which any live stock or live stock product may be stored, transported, delivered, shipped, advertised, purchased, sold, offered or displayed for sale and the types, sizes, branding, marking and labelling of packages or containers in which any live stock or live stock product may be contained;
 - (f) prescribing the manner in which the seller or shipper of ungraded live stock and live stock products shall identify, for purposes of grading, individual producer's lots in any shipment;
 - (g) prescribing the manner in which a receiver shall make returns and prepare for presentation to the seller or shipper the statements of account of purchase of any live stock or live stock product and for the investigation of such statements and the transactions represented thereby;
 - (h) prescribing the manner in which receipts, classifications, weights and purchase prices shall be recorded at assembling points and abattoirs and made available to the Minister;

- (i) prescribing the grades of eggs which may be broken or dried in any egg-breaking plant;
- (j) prescribing the manner in which stockyards shall be constructed, equipped, maintained and operated;
- (k) prescribing the manner in which complaints against the maintenance and operation of any stockyard shall be made and investigated;
- (l) prescribing the manner in which complaints against any live stock exchange or any member of a live stock exchange shall be made and investigated;
- (m) prescribing the manner in which business shall be conducted by members of a live stock exchange and by persons using a stockyard;
- (n) designating any premises a stockyard for the purposes of this Act;
- (o) classifying persons dealing in live stock or live stock products;
- (p) providing for the licensing by the Commissioner of any class or classes of persons dealing in any live stock or live stock product, prescribing the forms and terms of licences, the fees to be paid therefor and the conditions under which they shall be issued;
- (q) providing for the renewal, suspension and cancellation of such licences and the reinstatement of any suspended or cancelled licence;
- (r) exempting from this Act or the regulations or any part thereof any person or group of persons;
- (s) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Regulations may be limited.

(2) Any regulation made under this section may be limited as to time and place.

Penalty.

7. Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$25 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$1,000 for any subsequent offence.

Commencement of Act.

8. This Act shall come into force on the day it receives the Royal Assent.

Short title.

9. This Act may be cited as *The Live Stock and Live Stock Products Act, 1950*.

MARGARINE LEGISLATION

THE MARGARINE ACT, 1949—SASKATCHEWAN

CHAPTER 77

AN ACT respecting Margarine.

[Assented to April 2, 1949.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title.

1. This Act may be cited as *The Margarine Act, 1949*.

Interpretation.

2. In this Act the expression:

"Inspector."

1. "inspector" means an inspector employed in the Department of Agriculture;

"Margarine."

2. "margarine" means any food substance other than butter, of whatever origin, source or composition, that is prepared for the same uses as or as a substitute for butter but does not include any substance that is declared by the regulations not to be a food substance for the purpose of this paragraph;

"Minister."

3. "minister" means Minister of Agriculture;

"Package."

4. "package" means any wrapper, carton, box, tub, crock, crate or any other covering or container;

"Public eating place."

5. "public eating place" means any place where food or drink is offered for sale to the public for consumption on the premises and includes a hotel, inn, restaurant, public conveyance, eating house and lunch counter.

Margarine served in public eating places.

3. Every keeper of a public eating place where margarine is served as such shall:

- (a) where a menu is used, cause to be displayed thereon in a conspicuous manner the words "Margarine is served here as a substitute for butter";
- (b) where a menu is not used, cause to have displayed in a conspicuous manner in each room or place where food is served a sign or placard bearing the words "Margarine is served here as a substitute for butter" in letters large enough to be distinctly seen from all parts of such room or place.

Mixing margarine and butter prohibited.

4. No person shall mix margarine with butter for purposes of sale or for use in any public eating place.

Colouring of margarine.

5. No margarine shall have a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale read under conditions substantially similar to those established by the United States Bureau of Internal Revenue, or the equivalent of such measurement.

Restrictions on manufacture, sale, etc.

6. No person shall manufacture, sell, offer for sale, have in his possession for sale or serve in a public eating place any margarine which does not comply with the provisions of this Act and the regulations.

Packaging.

7. No person shall manufacture, sell, offer for sale, or have in his possession for sale, margarine unless the package containing it has legibly marked thereon in addition to anything required under any Act of the Parliament of Canada or of this Legislature:

- (a) the word "margarine" or the trade name of the contents; and
- (b) a list of the ingredients in the margarine and the percentage of each such ingredient.

Licence to manufacture or sell by wholesale.

8. No person shall manufacture or sell by wholesale margarine without a licence therefor from the Minister.

Regulations.

9. The Lieutenant Governor in Council may make regulations:

- (a) providing for the issue of licences to manufacturers and wholesalers of margarine, prescribing the form, duration and conditions of licences and the fees to be paid therefor and providing for the transfer, renewal, suspension and cancellation thereof;

- (b) prescribing standards of quality for margarine;
- (c) prescribing the powers and duties of inspectors with respect to enforcement of the provisions of this Act and the regulations;
- (d) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Offences and penalties.

10. Every person who contravenes any provision of this Act or the regulations, or who obstructs an inspector in the exercise of his powers or the performance of his duties under the regulations, shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$500 or to imprisonment for not more than six months, or to both fine and imprisonment.

Coming into force.

11. This Act or any provision or provisions thereof shall come into force on a day or days to be fixed by proclamation of the Lieutenant Governor.

REGULATIONS UNDER THE MARGARINE ACT

Pursuant to the Provisions of Section 9, Chapter 77, Statutes of 1949.

Approved by Order-in-Council 1075/49 dated June 3, 1949.

1. A licence to manufacture margarine shall be in form "A" annexed hereto.

2. A licence to sell margarine by wholesale shall be in form "B" annexed hereto.

3. A person desiring to manufacture or sell margarine by wholesale in Saskatchewan shall make application in writing to the Minister for a licence to do so, stating:

- (a) The location or locations of premises in which it is proposed to carry on such manufacturing or wholesale business.
- (b) The trade or brand name of the product proposed to be manufactured or wholesaled.

4. Persons or firms operating a number of plants or places of business where margarine is manufactured or sold by wholesale, shall obtain a licence for each individual plant or place of business.

5. A licence to manufacture or sell margarine by wholesale shall expire on the 31st day of December, following the date of issue, and may be suspended or cancelled at any time by the Minister for violation of any provision of The Margarine Act, 1949, or these Regulations.

6. The fee payable for a licence to manufacture or sell margarine by wholesale shall be \$5.00.

7. No person shall sell or offer for sale any margarine moulded or cut into blocks or prints unless such blocks or prints are of full net weight of one-half pound, one pound, or multiples thereof.

8. No person shall manufacture, sell, offer for sale, or have in his possession for sale any margarine which contains less than 80 percent of fat nor more than 16 percent of water.

9. Inspectors as defined in "The Margarine Act, 1949" shall have free access and admission at all reasonable hours to the premises of manufacturers and wholesalers of margarine and of public eating houses and may also weigh or take such samples of margarine as are reasonably required for the purpose of testing the same.

Form "A"

GOVERNMENT OF THE PROVINCE OF SASKATCHEWAN
DEPARTMENT OF AGRICULTURE
REGINA, SASK.

Licence to Manufacture Margarine

No. Fee \$5.00

Under and by virtue of the authority so vested in the Minister of Agriculture, under The Margarine Act, 1949
is hereby authorized to manufacture margarine at
in the Province of Saskatchewan, in accordance with the provisions of the said Act and the Regulations made thereunder.

Dated at Regina this day of 19.....

Dairy Commissioner Minister of Agriculture

This licence expires on the
31st day of December, 19.....

Form "B"

GOVERNMENT OF THE PROVINCE OF SASKATCHEWAN
DEPARTMENT OF AGRICULTURE
REGINA, SASK.

Licence to Sell Margarine by Wholesale

No. Fee \$5.00

Under and by virtue of the authority so vested in the Minister of Agriculture, under The Margarine Act, 1949
is hereby authorized to sell margarine by wholesale from premises located at
in the Province of Saskatchewan, in accordance with the provisions of the said Act and the Regulations made thereunder.

Dated at Regina this day of 19.....

Dairy Commissioner Minister of Agriculture

This licence expires on the
31st day of December, 19.....

MARKETING LEGISLATION

The Manitoba Natural Products Marketing Act

AN ACT respecting the Transportation, Packing, Storage and Marketing of Natural Products.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Short Title

Short title.

1. This Act may be cited as "The Manitoba Natural Products Marketing Act." S.M. 1939, c. 46, s. 1.

Sources: *The Natural Products Marketing Act, 1934, c. 57, S.C. 1934;*
"Natural Products Marketing (British Columbia) Act," c. 165, R.S.B.C. 1936;
The Farm products Control Act, c. 75, R.S.O. 1937;
The Natural Products Control Act, c. 53, S.N.B. 1937;
"The Alberta Marketing Act," c. 3, S.A. 1939.

Interpretation

Definitions.

2. In this Act, unless the context otherwise requires,

"Board."

(a) "board" includes The Manitoba Marketing Board constituted under this Act and any marketing board or agency constituted under this Act or the regulations;

"Dominion Act."

(b) "Dominion Act" means any Act hereafter enacted by the Parliament of Canada with objects similar to those of this Act;

"Dominion Board."

(c) "Dominion Board" means any board or other body constituted under any Act of the Parliament of Canada with objects similar to those of this Act;

"Marketing."

(d) "marketing" includes advertising, buying and selling, shipping for sale or storage or any other purpose and offering for sale and includes transportation in any manner by any person;

"Natural product."

(e) "natural product" means any product of agriculture or of the forest, sea, lake or river and any animals including poultry whether alive or killed and any meats, eggs, wool, dairy products, grains, seeds, fruit and fruit products, vegetables and vegetable products, honey, tobacco, lumber and any article of food or drink, wholly or partially manufactured or derived from any such product;

"Provincial Act."

(f) "Provincial Act" means any Act now or hereafter enacted by any other province with objects similar to those of this Act;

"Provincial Board."

(g) "Provincial Board" means any board or other body now or hereafter constituted under an Act of any other province with objects similar to those of this Act;

"Regulated product."

(h) "regulated product" means any natural product the regulation of the marketing of which is provided for in any scheme approved or established under this Act; and

"Vehicle."

(i) "vehicle" includes any motor vehicle, wagon, railway car, ship, boat, aeroplane or other thing in which any natural product can be transported. S.M. 1939, c. 46, s. 2.

Manitoba Marketing Board

Constitution of board.

3. (1) For the purposes of this Act the Lieutenant-Governor-in-Council may constitute a board to be known as The Manitoba Marketing Board, which shall consist of not more than three members who shall be appointed by the Lieutenant-Governor-in-Council and shall receive such remuneration as the Lieutenant-Governor-in-Council may determine.

Board to be a corporation.

(2) When so constituted the board shall be a corporation.

Appointment of officers, etc., of board.

(3) The Lieutenant-Governor-in-Council may also appoint such officers, clerks and servants as are necessary for the carrying out of the provisions of this Act and the regulations and may fix their salaries. S.M. 1939, c. 46, s. 3.

Marketing Schemes and Boards

Purpose and intent of Act.

4. (1) The purpose and intent of this Act is to provide for the promotion, control and regulation in any or all respects of the transportation, packing, storage and marketing of natural products which are situate within the province, including the prohibition of such transportation, packing, storage and marketing in whole or in part.

Power of L.-G.-in-C. to establish schemes and constitute boards.

(2) The Lieutenant-Governor-in-Council may from time to time establish and amend and revoke schemes for the control and regulation within the province of the transportation, packing, storage and marketing of any natural product and may constitute marketing boards to administer such schemes and may vest in those boards respectively any powers considered necessary or advisable to enable them effectively to control and regulate the transportation, packing, storage and marketing of any natural products which are situate within the province and to prohibit such transportation, packing, storage and marketing in whole or in part.

Area of scheme.

(3) Any scheme may relate to the whole of the province or to any area within the province and may relate to one or more natural products or to any grade or class thereof.

Members of boards.

(4) The method by which the members of any marketing board are to be chosen, whether by appointment or election or partly the one and partly the other, may be set out in the scheme the board is authorized to administer.

Boards to be corporations.

(5) Any marketing board constituted under this section shall be a corporation. S.M. 1939, c. 46, s. 4.

Note: See sec. 3 of "The Manitoba Livestock and Livestock Products Act."

Additional powers of boards.

5. Without limiting the generality of any of the other provisions of this Act, the Lieutenant-Governor-in-Council may vest in any board any or all of the following additional powers:

(a) To regulate the time and place at which and to designate the agency by or through which any regulated products shall be packed, stored or marketed; to regulate the manner of distribution, the quantity and quality, grade or class of the regulated product that shall be transported, packed, stored or marketed by any person at any time; and to prohibit in whole or in part the transportation, packing, storage or marketing of any grade, quality or class of any regulated product;

(b) To exempt from any regulation, determination or order any person or class of persons engaged in the production, packing, transporting, storing or marketing of the regulated product or any class, variety or grade thereof;

(c) To require any or all persons engaged in the production, packing, transporting, storing or marketing of the regulated product to register with and obtain licenses from the board;

(d) To fix and collect yearly, half-yearly, quarterly, or monthly, license fees or charges for services rendered by the board from any or all persons producing, packing, transporting, storing or marketing the regulated product; and for this purpose to classify such persons into groups, and fix the license fees and direct charges or either of them payable by the members of the different groups in different amounts; and to recover any such license fees and direct charges or either of them by suit in any court of competent jurisdiction;

(e) To cancel or suspend and reinstate any license for violation of any provision of the scheme or of any order of the board or of the regulations.

(f) To require full information relating to the production, packing, transporting, storing and marketing of the regulated product from all persons engaged therein; and to require from such persons periodic information on such form as the board may determine, and to inspect the books and premises of such persons;

(g) To fix the price or prices, maximum price or prices, minimum price or prices, or both maximum and minimum prices at which the regulated product, or any grade or class thereof, may be bought or sold in the province; and to fix different prices for different parts of the province;

(h) To require the person in charge of any vehicle in which the regulated product could be transported to permit any member or employee of the board to search the vehicle;

(i) To seize, remove and dispose of any of the regulated product kept, transported, packed, stored or marketed in violation of any order of the board and retain or otherwise dispose of the proceeds thereof;

(j) To use in carrying out the purposes of the scheme and paying the expenses of the board any moneys received by the board; and

(k) To make such orders, rules and regulations as are deemed by the board necessary or advisable to control and regulate effectively the transportation, packing, storage or marketing of the regulated product, and to amend or revoke the same. S.M. 1939, c. 46, s. 5.

Co-operation with Dominion or Provincial Board

Co-operation with Dominion or Provincial Board.

6. A board may co-operate with any Dominion Board or Provincial Board to regulate the marketing of any natural product of the province and may act conjointly with the Dominion Board or Provincial Board and may perform such functions and duties and exercise such powers as are prescribed by this Act or the regulations. S.M. 1939, c. 46, s. 6.

Exercise of powers under Dominion Act.

7. A board may, with the approval of the Lieutenant-Governor-in-Council, perform any function or duty and exercise any power imposed or conferred upon it by or pursuant to the Dominion Act or Provincial Act with reference to the marketing of a natural product. S.M. 1939, c. 46, s. 7.

Exercise of powers by Dominion or Provincial Board.

8. The Dominion Board or Provincial Board may, with the approval of the Lieutenant-Governor-in-Council, exercise any of its powers with reference to the marketing of a natural product in any manner and under any circumstances within provincial jurisdiction, to the like extent and with the like effect as those powers are exercisable by it pursuant to the Dominion Act or Provincial Act with reference to the marketing of that natural product. S.M. 1939, c. 46, s. 8.

Regulations

Regulations.

9. (1) The Lieutenant-Governor-in-Council may make such regulations as are considered necessary or advisable for carrying out the purpose and intent of this Act, and may vest in a board such authorities and powers as are considered necessary or advisable with reference to the marketing of any natural product so far as the same are within provincial jurisdiction, and to enable the board in co-operation with the Dominion Board or Provincial Board to exercise effective control of the marketing of natural products to the full extent intended by this Act, the Dominion Act and the Provincial Act.

(2) Without thereby limiting the generality of the provisions hereinbefore contained, it is declared that the power of the Lieutenant-Governor-in-Council to make regulations shall extend to

(a) the appointment of marketing boards or agencies within the province to co-operate with and act as agents of the Dominion Board or any Provincial Board;

(k) the appointment of marketing boards or agencies or, except so far as the province any authority or function which may be conferred on a local board under the Dominion Act or Provincial Act and otherwise to co-operate and act in the administration and carrying out of any scheme for the regulation of the marketing of any natural product authorized under the Dominion Act, Provincial Act or this Act;

(l) the approval of any scheme for the regulation of the marketing of any natural product in respect of which the approval of the Lieutenant-Governor-in-Council is necessary for any purpose of the Dominion Act or any Provincial Act;

(m) the authorizing and giving effect to any scheme for the regulation of the marketing within the province of any natural product;

(n) the providing for the submission of any scheme for the regulation of the marketing of any natural product to a plebiscite within the area of the province covered by the scheme;

(o) the termination and annulment of any approval given or scheme authorized by the Lieutenant-Governor-in-Council under this Act;

(p) authorizing a board to appoint officers and agents, prescribe their duties, fix their remuneration and the payment of same; and

(q) the imposition of penalties for enforcing any provision of the regulations. S.M. 1939, c. 46, s. 9 am.

General

Mode of approval by L.-G.-in-C.

10. Any approval which the Lieutenant-Governor-in-Council is authorized or required to give for any purpose of this Act may be given by general regulations applicable to all cases or any class or classes of cases, or by special order in any particular case. S.M. 1939, c. 46, s. 10.

Penalties.

11. (1) Every person who fails to comply with any determination, regulation or order of a board or any regulation made under this Act shall be liable to a fine of not less than twenty-five dollars and not more than five hundred dollars, or to imprisonment not exceeding three months, or to both fine and imprisonment.

Burden of proof on accused.

(2) In any prosecution for an offence under this Act or the regulations it shall not be necessary for the informant or person prosecuting to prove that the natural product in respect of which the prosecution is instituted was produced in the area to which any scheme for the regulation of the natural product relates; and if the accused person pleads or alleges that the natural product was not produced in the area to which the scheme relates the burden of proof thereof shall be upon the accused person. S.M. 1939, c. 46, s. 11.

Expense of carrying out provisions of Act.

12. All moneys necessary to pay the salaries of the members of The Manitoba Marketing Board and its staff and to meet the expenses necessarily incurred in the carrying out of this Act shall be provided by the imposition of such direct tolls or charges in respect of natural products marketed by or through any boards upon persons engaged in the production, transportation, distribution or marketing of any such natural products as the Lieutenant-Governor-in-Council may by regulations prescribe. S.M. 1939, c. 46, s. 12.

Purpose and intent of Act.

13. The purpose and intent of the Legislature is to confine the provisions of this Act within the competence of the Legislature, and all the provisions thereof shall be construed so as to give effect to this purpose and intent. If any provision or section is held or found to be beyond the powers of the province, such provision or section shall be read distributively, and the provision or section so far as it deals with matters within the competence of the Legislature shall

stand and be valid and operative, and shall have the same effect as if the provision or section had dealt with such matters exclusively; and the remaining provisions and sections of this Act shall not be deemed or held to be inoperative or *ultra vires*, but shall stand and be valid and operative, and shall have the same effect as if they had been originally enacted as separate and independent enactments and as the only provisions of the Act; and all the provisions of the Act which are within the powers of the province shall remain in full force and effect notwithstanding that some provisions are held to be *ultra vires*, the intention of the Legislature being to give separate and independent effect to the extent of its powers to every enactment and provision in this Act contained. S.M. 1939, c. 46, s. 13.

Evidence.

14. A copy of any rule, order, regulation, resolution, determination, minute or direction of any board constituted under this Act, certified by a member of such board or the secretary thereof as a true copy shall, without proof of the signature of the person signing the certificate, be taken in all cases in lieu of the original rule, regulation, resolution, determination, minute, order or direction and shall be received as evidence thereof in all courts of the province. S.M. 1939, c. 46, s. 14.

THE AGRICULTURAL PRODUCTS MARKETING ACT—CANADA

CHAPTER 16

AN ACT to provide for the Marketing of Agricultural Products in Interprovincial and Export Trade.

(Assented to 30th April, 1949.)

Preamble.

WHEREAS it is desirable to improve the methods and practices of marketing agricultural products of Canada; and whereas the legislatures of several of the provinces have enacted legislation respecting the marketing of agricultural products locally within the province; and whereas it is desirable to co-operate with the provinces and to enact a measure respecting the marketing of agricultural products in interprovincial and export trade: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

1. This Act may be cited as *The Agricultural Products Marketing Act*.

Gov. in Council may grant auth. to prov. bds. to exercise powers of regl. outside the province.

2. (1) The Governor in Council may by order grant authority to any board or agency authorized under the law of any province to exercise powers of regulation in relation to the marketing of any agricultural product locally within the province, to regulate the marketing of such agricultural product outside the province in interprovincial and export trade and for such purposes to exercise all or any powers like the powers exercisable by such board or agency in relation to the marketing of such agricultural product locally within the province.

Revocation.

(2) The Governor in Council may by order revoke any authority granted under subsection one.

Regulation.

3. The Governor in Council may make regulations prescribing the terms and conditions governing the granting and revocation of authority under section two and generally may make regulations for carrying the purposes and provisions of this Act into effect.

Offence. Penalty.

4. Every person who violates any regulation, or any order, rule or regulation made by any board or agency under this Act with reference to the marketing

of an agricultural product outside the province in inter-provincial and export trade, is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment not exceeding three months or to both fine and imprisonment.

MISCELLANEOUS LEGISLATION

Drugs

THE NARCOTIC DRUG ADDICTS ACT—NOVA SCOTIA

CHAPTER 6

AN ACT to Provide for the Compulsory Treatment of Persons Addicted to the Improper Use of Opium and other Narcotic Drugs.

(Passed the 30th day of April, A.D., 1924.)

BE IT ENACTED by the Governor, Council, and Assembly, as follows:—

Short Title

Short title.

1. This Act may be cited as "*The Narcotic Drug Addicts Act, 1924*".

Interpretation

Interpretation.

2. In this Act and in any order, proclamation or regulation made thereunder, unless the context otherwise requires,—

Officer.

- (a) "Officer" means the Provincial Health Officer or other person charged with the administration of laws relating to public health in the Province of Nova Scotia;

Justice.

- (b) "Justice" means a justice of the peace and includes two or more justices, if two or more justices act or have jurisdiction and also a police magistrate, a stipendiary magistrate or any person having the power or authority of two or more justices of the peace;

Addict.

- (c) "Addict" means any person addicted to the improper use of cocaine, opium, or their derivatives, or any other narcotic drug which for the time being is included in the schedule to the Opium and Narcotic Drug Act, 1923, of the Dominion of Canada.

Treatment of Addicts

Treatment of Addicts.

3. Where the officer is credibly informed that an addict is resident within the Province of Nova Scotia, he may give notice in writing to such addict requiring him to consult a legally qualified medical practitioner and submit himself for treatment, within such time as such officer may prescribe, and to continue such treatment until cured.

Compulsory treatment.

4. Should such addict fail to submit himself to such treatment within the time prescribed by such officer, or to continue the treatment until cured, or should such treatment fail to effect a cure, such officer may report the circumstances to any justice, whereupon such justice may cause such enquiries to be made as he may think fit, and if in his judgment it appears desirable in the public interest that such addict be committed to an institution for treatment, he may make such order as he may see fit for the detention and treatment of such person in any hospital, gaol, or place of detention in the Province.

Provision to be made by hospitals, gaols, etc.

5. Every hospital, gaol or place of detention designated by regulations of the Lieutenant-Governor-in-Council in that behalf shall make effective provision for the examination, treatment and detention of such addicts as may be committed to such institution by any justice.

Regulations

Regulations.

6. The Lieutenant-Governor-in-Council may make any such order and regulations as he may see fit for carrying out the provisions of this Act, and for giving effect to the general project.

Penalties

Penalties.

7. Every person who contravenes any provision of this Act or of any orders or regulations made thereunder, or wilfully neglects or disobeys any order or direction lawfully given by any officer or justice duly authorized in that behalf, shall incur a penalty of not less than five dollars nor more than fifty dollars, and in default of immediate payment shall be imprisoned for a period not exceeding three months.

"Summary Convictions Act" applies.

8. The "Summary Convictions Act" shall apply to prosecutions under this Act or any orders or regulations made thereunder.

THE UNIFORM WEIGHT OF BREAD ACT— PRINCE EDWARD ISLAND

Chapter 8

(Not Proclaimed—Repealed by R.S.P.E.I. 1951)

AN ACT Respecting the Uniform Weight of Bread.

(Assented to April 25th, 1947)

BE IT ENACTED by the Lieutenant-Governor and Legislative Assembly of the Province of Prince Edward Island as follows:

Citation.

1. This Act may be cited as "The Uniform Weight of Bread Act".

Uniform Weight established.

2. From and after the coming into force of this Act, there shall be established in Prince Edward Island a standard weight of bread loaf in conformity with the uniform weight thereof in use elsewhere in Canada.

Loaf weight, 20 ounces.

3. Until altered by the Lieutenant-Governor-in-Council as hereinafter provided, the standard weight of each loaf of bread shall be the weight of 20 ounces avoirdupois.

Prohibition.

4. From and after the aforesaid date, no person shall manufacture, buy, sell, offer, expose or have in his possession for sale any bread unless the loaf weight thereof shall be in conformity with the provisions of this Act.

Standard weight, how amended.

5. The Lieutenant-Governor-in-Council may by Order-in-Council from time to time, alter such standard weight if deemed advisable or necessary in order to maintain such uniformity and upon publication thereof in the Royal Gazette, such amended weight will be the standard weight hereunder.

Penalties.

6. Any person who violates any of the provisions of this Act or of any Order or Regulation made hereunder shall be liable on summary conviction to

a penalty of not more than \$10.00 and not less than \$2.00 which shall be recoverable before any Magistrate or Justice of the Peace under the procedure provided by Part XV of the Criminal Code of Canada.

Act, when to take effect.

7. This Act shall come into force on a day to be fixed by proclamation of the Lieutenant-Governor-in-Council.

THE LOBSTER CANNERIES ACT—PRINCE EDWARD ISLAND

Chapter 39

(Repealed by R.S.P.E.I. 1951)

AN ACT to Provide for the Licensing of Lobster Canneries.

(Assented to April 6, 1933)

BE IT ENACTED by the Lieutenant-Governor and Legislative Assembly of the Province of Prince Edward Island as follows:—

License necessary to can or cure lobsters.

1. No one shall at any time can or cure lobsters in this Province except under license from the Minister of Fisheries of Canada.

Minister of Fisheries of Canada may issue license. Fee.

2. The Minister of Fisheries of Canada is hereby authorized to issue licenses for canning or curing lobsters in his absolute discretion to such persons as he may deem fit. Provided that the fee for such licenses shall not exceed \$5.00 for the first one hundred cases packed under such license and \$2.00 for each additional hundred cases or fraction thereof-so packed.

Penalty for operating without license.

3. Everyone shall be guilty of an offence and shall incur a penalty of not more than one thousand dollars and costs, and, in default of payment, to imprisonment for a term not exceeding twelve months, or to both, if he at any time, except under license from the Minister of Fisheries of Canada, cans or cures lobsters in this Province.

THE POTATO ACT—PRINCE EDWARD ISLAND

Chapter 28

(See Addendum Part VI)

AN ACT to Constitute the Province of Prince Edward Island a Certified Seed Area for the Production of Potatoes.

(Assented to April 25th, 1947)

BE IT ENACTED by the Lieutenant-Governor and Legislative Assembly of the Province of Prince Edward Island as follows:

Citation.

1. This Act may be cited as the "Prince Edward Island Potato Act".

Certified seed to be planted.

2. From and after the passing of this Act, no person shall plant potatoes in the Province of Prince Edward Island unless the seed used is of the class Foundation, Foundation "A", or Certified, as determined by the official inspections carried out by the Plant Protection Division, Science Service, Dominion Department of Agriculture. Provided, however, that this section shall not apply to potato crops which, in the aggregate, on an individual property, do not exceed one acre, unless by proclamation of the Lieutenant-Governor-in-Council otherwise.

Inspection regulations.

3. All potato crops as covered by Section 2 hereof shall be subject to inspection as follows:

(a) Subject to conformity with the regulations governing the production of certified seed potatoes, crops planted with Foundation or Foundation "A" seed with a view to seed certification, may be inspected by the Plant Protection Division, Dominion Department of Agriculture.

(b) Potato Crops including those planted with seed of the "Certified" class with a view to table stock production shall be inspected for bacterial ring rot, or any other disease or insect pest as may be determined from time to time, by duly authorized inspectors of the Prince Edward Island Department of Agriculture.

Registration for inspection.

4. Each potato grower, as covered by Section 2 hereof, shall be required to register each field of potatoes for inspection as follows:

(a) If for seed potato production, applications shall be submitted to the District Seed Potato Inspector, Dominion Department of Agriculture, Charlottetown.

(b) If for table stock production, application shall be submitted to the Prince Edward Island Department of Agriculture.

Proof of planting proper seed required.

5. In accordance with the Certified Seed Potato Regulations each grower who applies for inspection of his crop for seed purposes shall be required, among other qualifications, to supply proof of the planting of seed of the Foundation or Foundation "A" class in the field for which inspection is requested. All other growers shall be required to supply proof of the purchase of certified seed used for planting the potato crop.

Prevention of disease.

6. Each grower shall exercise the necessary care in the planting, cultivation, spraying, dusting or harvesting of his potato crop to avoid any possible contamination with bacterial ring rot through machinery, harvesting containers, storage or second hand bags.

Penalty.

7. Failure to comply with any of these regulations shall result upon summary conviction to a fine not exceeding \$100.00 or in default of payment to imprisonment for a term not exceeding thirty days or both.

THE OYSTER FISHERIES ACT—NEW BRUNSWICK

CHAPTER 38

Respecting the Oyster Fisheries of the Province

"Barren" bottoms.

1. In this Chapter, "barren bottoms" means and includes those parts of the beds and bottoms of any bays, rivers, harbours or creeks, where no natural or live oyster beds are found to exist at the time of the application for a lease under this Chapter. 1913, c. 13, s. 1.

Surveys by Governor in Council, etc.

2. (1) The Governor in Council may, from time to time, cause surveys to be made of the beds or bottoms of the bays, rivers, harbours or creeks of the Province, and, from time to time, as he may deem expedient, lay off the said beds and bottoms in plats or plots of such areas as the Governor in Council may deem proper, and grant leases thereof to applicants therefor, upon such consideration or rents, and for such terms or periods as may be deemed expedient.

(2) The form of lease and application therefor shall be prescribed by the Governor in Council. 1913, c. 13, s. 2 *am.*

Engineer may go upon lands.

3. (1) For the purpose of making such surveys any engineer, surveyor or other officer authorized by the Governor in Council may go over and upon the lands of any person adjoining or abutting on the said beds of such bays, rivers, harbours or creeks, drive stakes and erect marks or stakes, permanent or otherwise, upon such lands.

Plans to be made.

(2) Such engineer, surveyor or other officer shall make plans of the same, which shall be filed in such place and manner as the Governor in Council may prescribe, and such plans shall be open for inspection and search by any person. 1913, c. 13, s. 3. *am.*

Preference to riparian owner.

4. The riparian owner desirous of leasing the bottom in front of his own foreshore shall have the preference over other applicants for a lease or leases. 1913, c. 13, s. 4.

Oysters to be property of lessee.

5. All oysters planted, bedded, deposited, sown or grown, produced or found on lands so surveyed, taken up and leased, shall be the personal property of the person holding the lease, during the continuance thereof, and any lease may be renewed, from time to time, for such period and at such annual rental or consideration or on such other terms as the Governor in Council may see fit. 1913, c. 13, s. 5. *am.*

Appointment and powers of constables.

6. The Governor in Council may appoint special officers, at the request of a holder of a lease of barren bottoms, and issue a commission to such special officers constituting them police officers or constables of the county in which the property is situated, with power to make arrests and to do all things in the premises that police officers or constables are empowered to do by law; and such special officers or constables shall be paid all costs incidental to the said employment, by the person or persons asking such appointment. 1913, c. 13, s. 6. *am.*

Regulations.

7. The Governor in Council may make such rules and regulations as may be necessary to carry this Chapter into effect and such rules and regulations shall become effective only when published for thirty days in *The Royal Gazette*. 1913, c. 13, s. 7. *am.*

Penalty for violating provisions of Chapter.

8. Any person violating any of the provisions of this Chapter or the rules and regulations made thereunder shall, upon summary conviction thereof before a police magistrate of the County wherein such offence is committed, be liable to a penalty not exceeding fifty dollars and costs, and, in default of payment, to imprisonment for a period not exceeding one month. 1913, c. 13, s. 8.

Chapter not to apply to Kent.

9. The provisions of this Chapter shall not apply to the County of Kent. 1913, c. 13, s. 12.

CANNED FOODS ACT—QUEBEC

Revised Statutes, 1925, chapter 68A, as enacted by the Act 22 George V, chapter 40. Proclamation published in the Official Gazette of the 11th of June, 1932.

1. This act may be cited as the Canned Foods Act.

2. In this act unless the context otherwise requires:

1. The words "canned foods" include foods which have been heated, cooked, preserved, condensed, evaporated, dehydrated, dried or otherwise processed or prepared for food and are placed in any closed can, bottle, package or container;

2. The word "establishment" means any factory or other place or premises in which food is treated, canned, bottled, warehoused, stored or exposed for commercial purposes;

3. The word "canner" means any person, partnership, company or corporation preparing canned foods for commercial purposes;

4. The word "inspector" means any person appointed as such under this act;

5. The word "Minister" means the Minister of Agriculture of the Province of Quebec;

6. The word "person" includes a partnership, company or corporation.

7. The word "regulations" means regulations made under this act.

3. No person, within the limits of this Province, shall, for commercial purposes, make canned goods unless a license to that effect has been granted to him by the Minister and the same be in force.

Such license shall be free of charge and may be cancelled for cause by the Minister, at any time.

4. Before the granting of any such license the Minister may inquire into the sanitary condition of the premises and impose any conditions which he deems necessary.

5. Every canner and every person operating an establishment must supply the Minister, or any person appointed by him for such purpose, with all the information which may be asked of him respecting the matters forming the object of this act.

6. The Lieutenant Governor in Council may make, amend or repeal regulations:

a. For determining the conditions for the issuing of the license, its form, period and renewal;

b. For determining the standards of quality, the mode of preparing, grading and inspecting canned foods and food intended for canning, as well as the standard sizes of the containers;

c. For establishing the conditions and formalities concerning the confiscation of any canned food or of any food intended for canning unfit for consumption or not in accordance with the standards of quality and with the grading;

d. For any matter necessary for the carrying out of this act.

Such regulations shall be published in the Quebec Official Gazette.

7. The inspectors and officers required for the carrying out of the provisions of this act may be appointed in accordance with the Civil Service Act (Chap. 10) or with the Outside Service Act (Chap. 10A).

8. It is forbidden to obstruct in any manner an inspector acting in execution of this act.

9. Every person who commits an infringement of any provision of this act or of the regulations shall be liable, on summary trial, in addition to the cost, to a fine not exceeding one hundred dollars, and, in default of payment of such fine and costs, to an imprisonment not exceeding three months.

10. The Minister of Agriculture is charged with the carrying out of this Act.

REGULATIONS RESPECTING CANNED FOODS

Enacted by the Order No. 1491 of the 16th of June, 1932, published in the Official Gazette of the 18th of June, 1932; and amended by the Order No. 2014 of the 25th of July, 1935, published in the Official Gazette of the 3rd of August, 1935.

Art. 1. These regulations shall be known under the name of "Regulations Respecting Canned Foods."

Art. 2. Unless the context otherwise requires:

a. "Act" means the Canned Foods Act.

b. "The Minister" means the Minister of Agriculture.

- c. The Department" means the Department of Agriculture.
- d. "Establishment" means any factory, or other place or premises in which foods are processed, canned, bottled, warehoused, stored or spread out for commercial purposes.
- e. "Inspector" means an inspector appointed under the Act.
- f. "Person" comprises a society, a company or a corporation.
- g. "Regulations" means regulations enacted under this Act.
- h. "Products" in these regulations apply only to fruits and vegetables.
- i. "Container" means any receptacle, made of wood, glass, earthenware, or metallic substance, whether hermetically sealed or intended to be so sealed, or otherwise.
- j. "Package" means any can or other container in which products are packed, or any box, basket, or other receptacle used for their transportation, or anything in which products are wrapped up or bound together.
- k. "Label" means any printed, embossed or lithographed label, tag, sticker, seal, wrapper, stencil or receptacle, upon which are shown the requirements of (a) and (b) of Section 14 of the regulations.
- l. "Head Space" is that space between the under side of the top of the container and the upper level of the contents of the container. It shall in no case be greater than is necessary for the proper sealing of the container.
- m. "Fill." For the purpose of these regulations "Fill" means that the can or other container must be filled as full of fruit or vegetables as will permit of proper processing with the least amount of added syrup, brine or water. A can or other container will not be considered full even if it contains the minimum net weight if it could hold more of the fruit or vegetables without material damage to the value of the product.
- n. The "Degree of Syrup" referred to in these Regulations is based on the reading of the saccharometer or hydrometer in syrup at a temperature of 60 degrees Fahrenheit and shall have special reference to the percentage of sugar present in the syrup used. The syrup shall be composed of sugar and water only.
- The terms fruits and vegetables as used in the following definitions include all those parts of plants which are ordinarily consumed as food, with the exception of plants belonging to the order Grammae (grains), various spices and nuts unshelled. Typical examples of fruits are apples, pears, peaches, plums, grapes, raspberries, etc. Typical examples of vegetables are carrots, potatoes, beets, spinach, asparagus, cabbage, etc. The terms are indiscriminately applied to many articles, such as tomatoes, rhubarb, pumpkin, corn (maize) and some others.
- o. "Sugared Fruit" is defined as fruit to which sugar has been added in the dry form and is dissolved either by the fruit juice as in strawberries, cherries, etc., or by the addition of water as in the case of peaches, pears, etc.
- p. "Kettled Fruit" is defined as fruit which has been cooked in a kettle with or without the addition of sugar, before it has been filled into the containers. A particular example of this is in preserved fruits where the fruit and sugar are cooked together and when finished the preserve is filled into the containers, e.g. Preserved Strawberries.
- q. "Solid Pack Fruit" is defined as fruit which has been partially or wholly pre-cooked before filling into containers so as to allow the fruit to pack closely together. In packing "Solid Pack Fruit" water is used only to furnish moisture to pre-cook the fruit and no more is permitted than is actually necessary for this purpose. The limit allowed is from 5 per cent to 10 per cent, according to the condition and variety of the fruits.
- r. "Dried fruits or vegetables" are the clean sound products made by drying properly matured and prepared fresh fruits or vegetables in such a way as to take up no harmful substances; and conform in name to the particular fruit or vegetable used in their preparation.

s. "Evaporated fruits or vegetables" are such dried fruits or vegetables as have been dessicated with employment of artificial heat.

t. "Dehydrated fruits and vegetables" are such fruits and vegetables as have been artificially dried with an apparatus using temperature, humidity and air velocity control.

u. "Farmer's Dried Fruit and Vegetables" are such fruits and vegetables as have been artificially or naturally dried by the grower on his own premises.

v. "Canned Foods" shall include fruits and vegetables that have been pre-heated, cooked, preserved, condensed, evaporated, dehydrated, dried or otherwise processed or prepared for food, and are placed in any closed can, bottle, package or container.

w. "Standards of Quality" shall include those standards hereinafter defined together with any further standards which may from time to time be deemed expedient by the Lieutenant-Governor in Council. Unless otherwise provided for, they shall be known as "Fancy Quality", "Choice Quality", "Standard Quality" and "Second Quality" and when used shall appear conspicuously upon the principal part of the label in plain type in letters not less than $\frac{3}{8}$ (three-eighths) of an inch in height.

DECLARATION OF QUALITY ON LABELS

Art. 3. a. On the labels of all canned or evaporated fruits and vegetables or the other products mentioned in these regulations which have been standardized, for quality, or on such as may hereafter be standardized, the Standard of Quality claimed must be declared on the principal part of the label in terms as above stated. If, however, it is found that the printing of such declaration as to Quality in type $\frac{3}{8}$ -inch in height would deface the label, then the word "Quality", if placed immediately underneath the prefix "Standard", "Choice", etc., may be reduced in type to a size not less than $\frac{3}{16}$ -inch in height but the prefix "Standard", "Choice", etc., must not be reduced in size less than $\frac{3}{8}$ -inch in height, thus:

Standard ($\frac{3}{8}$ -inch type) Choice.

Quality ($\frac{3}{16}$ -inch type) Quality.

Description of Syrup

b. Where the description of the syrup is given as "Heavy Syrup" or "Light Syrup", the syrup must conform to the description shown under the respective headings as given in these Standards. The packer may, however, omit the description "Heavy Syrup" or "Light Syrup" as provided and substitute in lieu thereof the term "Packed in Syrup per cent Sugar". These declarations must be in type not less than $\frac{1}{4}$ inch in height printed conspicuously on the principal part of the label.

Container

Art. 4. a. The "Container" referred to in these Regulations shall be deemed to be the general type of container now in use, and which may be further described as follows:

Standardized Containers for Canned Fruits and Vegetables

No. of Can	Diameter in inches	Height in inches
8 oz. or Individual	2 11/16	3 1/4
No. 1 Regular	2 11/16	4
" 1 Flat Special	3	2 1/4
" 1 Tall or 20 oz.	3 1/16	4 11/16
" 2 Squat	3 7/16	3 15/16
" 2 Regular	3 7/16	4 9/16
" 2 1/2 Flat or half	4 1/16	2 3/8
" 2 1/2 Regular	4 1/16	4 11/16
" 3 Regular	4 1/4	4 7/8
" 3B Corn on Cob	4 1/4	5 3/16
" 10 Regular	6 3/16	7

The above are outside measurements.

Size to be Shown on Case

b. The foregoing shall be known as standard sizes of containers. If, in the opinion of the Minister, a considerable portion of the consuming public would be benefited by the use of other sizes of containers, he may add such sizes to the standard list. All sizes shall be plainly shown on the ends of the box or case in which they are packed.

Declaration of Net Weight on Containers Not Standardized

c. All containers not listed as standard sizes as stated above shall have marked thereon in addition to the information required on standard sizes, the net weight in ounces, or pounds and ounces of the contents of the container, and unless the container is transparent, the drained weight of the solids therein. Such information shall be conspicuously placed on the principal part of the label in plain type not less than one eighth of an inch in height.

Declaration of Short Weight

d. When a standard size container is found to contain less than the minimum net weight provided for in these Regulations, there must be printed on the face of the label in plain type not less than $\frac{3}{16}$ of an inch in height the words "Contents . . . per cent short weight," showing the percentage which the actual net weight is short of the defined minimum net weight.

Containers for Jams, Jellies and Marmalades

Art. 5. Containers for jams, jellies and marmalades manufactured in this Province for commercial purposes, shall contain when full, as nearly as practicable one or other of the following quantities, net weight:

a. Tin: 1 pound	b. Glass or stone: 3 ounces
2 pounds	8 "
4 "	12 "
	1 pound
	2 pounds
	2½ "
	4 "

c. The foregoing shall be known as standard size containers for the products mentioned, and will be accepted without declaration of net weight on the label.

d. Containers over four pounds capacity may be used, providing the net weight of contents is declared in pounds (not in ounces) on the principal part of the label, in letters not less than one-half inch in height and of plain visibility.

e. A limit of variability will be allowed for filling, said limit not to exceed 5 per cent for an individual package. This limit does not extend beyond individual packages, and every case lot must average up to the minimum net weight for the respective containers therein specified.

f. All sizes shall be plainly marked on the ends of the box or case in which the containers are packed.

Declaration of Short Weight

2. When a standard size container for jams, jellies or marmalades is found to contain less than the minimum net weight provided for in these Regulations there must be printed on the face of the label in plain type not less than $\frac{3}{16}$ of an inch in height the words "contents . . . per cent short weight", showing the percentage which the actual net weight is short of the defined minimum net weight.

Art. 6. Before delivering the permit required by section 3 of the "Canned Foods Act" the Minister of Agriculture may ascertain if the following conditions have been observed.

a. All establishments shall be suitably lighted and ventilated.

b. All appliances, such as tables, trucks, vats, machines, kettles, containers, etc., shall be kept clean and sanitary.

c. All operations in connection with the preparation or packing of products shall be carried on carefully and with strict cleanliness.

d. Rooms in which articles intended for food are stored, processed, or otherwise prepared, shall be scraped, scrubbed, whitewashed, painted, or otherwise dealt with at such times as may be deemed necessary by an inspector, and shall contain facilities for cleaning all equipment.

e. Employees of any establishment engaged in handling articles intended for food must be free from tuberculosis or other communicable disease, and must observe such general sanitary rules as may be deemed necessary by the inspector.

f. No articles entering into the production of food shall be allowed to come in contact with anything that will contaminate or deteriorate them.

g. Coverings used by employees to protect their clothing or persons shall be of material easily cleaned, and shall be kept reasonably clean.

h. Dressing rooms and lavatory accommodations shall be ample, sanitary and fully equipped and shall be entirely apart from any room or compartment used for the storing or production of food or of articles intended for food.

i. All yards, outhouses, or other premises belonging to or used in connection with any establishment shall be maintained in a clean and sanitary condition, and shall not be used for the emptying or storing of refuse.

j. The drainage in connection with establishments shall be ample and kept in proper working order.

k. No lavatory, sink, or cesspool shall be so situated or maintained as to permit any odours or fumes therefrom to pervade any room where food or articles intended for food are prepared or stored.

Art. 7. Such permit must be conspicuously posted on the wall in the place or premises where the canned goods are manufactured. It is valid only for the year ending on the 31st of December, but it may be renewed at the request of the bearer provided the latter conforms with the requirements of the Act.

Art. 8. Inspectors shall, in the performance of their official duties, wear a numbered badge provided by the Department. This badge, which he may not allow to leave his possession, shall entitle him at any time to enter any part of the establishment or premises at which he is stationed or any other place to which he may be sent in the performance of his official duties.

Art. 9. Inspectors shall furnish to the Department full and detailed reports of all inspections made by them, and of such other matters as may, in the public interest, be deemed necessary or advisable.

Art. 10. All fruits, vegetables, or other articles used in any establishment shall be sound, wholesome and in every way fit for food.

Art. 11. All fruits, vegetables or other articles intended to be used for food, found by an inspector in any cannery or establishment for selling canned foods whether in course of preparation or after they have been prepared, to be decomposed, diseased, or in any way unfit for food purposes, shall be confiscated by the inspector and destroyed under his supervision.

Art. 12. No canned fruits or vegetables shall contain any deleterious substance, drugs, dye or preservative. With the object of preventing the use of deleterious substances, the inspector shall, as often as deemed advisable, procure samples of the dyes, preservatives, etc., intended to be used, as also of the different food products during their preparation or after they have been prepared, and shall submit them without delay to the department for analysis. Should this analysis show them to be unfit for use, the entire stock of dyes, preservatives, etc., and the food products in which they have been used shall be seized and disposed of in accordance with the regulations.

The holder of a permit under this Act and these Regulations shall, upon request of the inspector, furnish to him free of charge any sample or samples of dyes, preservatives, food products, or any ingredients used in the preparation of foods. Samples so obtained must be sealed, labelled and marked with a description of the same, together with the inspector's name and the date, and forwarded at once for examination.

Art. 13. Containers in which fruits and vegetables, or other articles intended for food are finally placed shall be clean and sanitary.

Art. 14. Containers and packages in which fruits, vegetables or other articles prepared for food in any establishment are placed shall be marked, unless otherwise ordered by the Lieutenant Governor in Council, with:

a. The initials of the Christian name, the full surname, and the address, or in the case of a firm or corporation, the firm or corporate name and address of the packer, or of the first dealer obtaining them direct from the packer, who sells or offers the same for sale. Such dealer shall, upon the request of the inspector appointed under this Act, disclose the name of the packer of such articles.

b. A true and correct description of the contents of the container as to name, quality, quantity, weight, etc., as is, or may be defined in these regulations. These requirements shall be embodied upon a trade label, stencil or lithographed design, which shall be reasonably proportionate to the size of the container or package, having thereon, as provided above, the name and address of the packer or of the first dealer, and a true and correct description of the contents.

c. All packages must be marked as required in this section, together with the permit number which shall or may be assigned to the establishment and must correspond otherwise with the label on the container.

d. Officers or managers of establishments shall supply to the Minister duplicate copies of all labels, stencils or lithographed designs used in the establishment; no labels, stencils or lithographed designs shall be used unless they have been approved in writing by him. One copy shall be filed with the Minister, the other copy to be retained by the owner or manager, and shall be produced for the information of an inspector when required.

e. No label, stencil, etc., shall be approved for use on products packed in an establishment operating under the Canned Foods Act and the Regulations made thereunder, if such label, stencil, etc., is used on products packed in an establishment not operating under said Act and Regulations.

Art. 15. No container or package shall bear any label or mark of any kind which falsely represents the quality or quantity or weight of its contents, or the date when such contents were packed.

Art. 16. The fruits and vegetables must be classified according to the Schedule A of these Regulations.

Art. 17. Notwithstanding anything in these Regulations, an Inspector may, if he has reason to believe that any fruits or vegetables or fruit or vegetable products, canned, bottled, evaporated, dried, dehydrated or otherwise preserved for food have been handled or dealt with in any way not in accordance with the provisions of the Act or Regulations, seize and detain at any time and in any place, any such fruits or vegetables or fruit or vegetable products by placing thereon a numbered Held Tag and any person who moves or causes to be moved any such fruits or vegetables or fruit or vegetable products or removes the Held Tag without the authority of an inspector or of the Minister is guilty of an offence under the Act. Any person or persons who moves or causes or allows to be moved any article subject to any of the provisions of the Act and these regulations unless such provisions have been complied with or issues or signs or uses any certificate or statement that is false, untrue or misleading which is or may be made, in respect to such article is guilty of an offence under the Act.

Art. 18. The Minister of Agriculture is charged with the carrying out of these regulations.

Schedule A

The products shall be classified as follows:—

Grades of Quality and Quantity Canned Apples

"Fancy Quality Apples" shall be packed from selected stock of sound, ripe apples not less than 2¼ inches in diameter which have been properly peeled.

cored and trimmed and when prepared are free from worm holes, scabs, etc. The pieces shall be 90 per cent. free from skin or core, they shall be evenly cut and even in size and shape. When processed the colour shall be true to the natural colour of the variety used the pieces shall remain 90 per cent whole and the liquor clear. The variation in the size and shape of the pieces shall not exceed 10 per cent, the variation in the colour of the fruit shall not exceed 5 per cent. Only one variety of apples shall be allowed in each container, and the label shall show the name of that variety in type not less than $\frac{1}{8}$ of an inch in height.

"Choice Quality Apples" shall be packed from sound, ripe apples or portions thereof, not less than 2 inches in diameter which have been properly peeled, cored and trimmed and when prepared are free from worm holes, scabs, etc. The pieces shall be 80 per cent free from skin or core, they shall be fairly evenly cut and fairly even in size and shape. When processed the colour shall be fairly true to the natural colour of the variety used, the pieces shall remain 80 per cent whole and the liquor fairly clear. The variation in the size and shape of the pieces shall not exceed 20 per cent, the variation in the colour of the fruit shall not exceed 10 per cent. Only one variety of apples shall be allowed in each container.

"Standard Quality Apples" shall be packed from sound, ripe apples or portions thereof which have been properly peeled, cored and trimmed and when prepared are free from worm holes, scabs, etc. The pieces shall be 60 per cent free from skin or core, they shall be reasonably evenly cut and reasonably even in size and shape. When processed the colour shall be reasonably true to the natural colour of the varieties used, the pieces shall remain 60 per cent whole and the liquor reasonably clear. The variation in the size and shape of the pieces shall not exceed 40 per cent, the variation in the colour of the fruit shall not exceed 20 per cent.

"Second Quality Apples" may be packed from apples from which all decomposed, bruised or other objectionable portions have been removed. The fruit shall be properly peeled, cored and trimmed, but need not necessarily be uniform in size, colour or variety.

Weight of Canned Apples

A No. 2½ can shall contain not less than 17 ounces net of apples, a No. 3 can 20 ounces, a No. 10 can not less than 64 ounces net of apples.

The minimum net weight of the contents of a No. 2½ can shall be 26 ounces, a No. 3 can 29 ounces and a No. 10 can 94 ounces.

Evaporated Apples

"Fancy Quality Evaporated Apples" (slices and rings) shall be packed from sound, firm, ripe apples not less than 2¼ inches in diameter, which have been properly peeled, cored and trimmed, and when prepared are free from worm holes, scab, etc. The finished stock shall be 90 per cent whole rings, 90 per cent free of pieces of skin and core, 70 per cent uniform in size and not more than 5 per cent shall pass through a screen $\frac{3}{4}$ -inch square openings. The colour of the product shall be as white as the natural colour of the fruit used in the manufacture, and shall not vary more than 10 per cent. Only one variety of apples shall be used in this grade and the name of that variety shall be shown on the label, carton, container or other lithograph design in type reasonably proportionate to the size of the other printing on the label, etc., but in no instance shall it be less than $\frac{3}{8}$ of an inch in height. No smoke odour or other defects will be permitted.

"Choice Quality Evaporated Apples" (slices and rings) shall be packed from sound, firm, ripe apples not less than 2 inches in diameter which have been properly peeled, cored and trimmed, and when prepared are free from

worm holes, scab, etc. The finished stock shall be 75 per cent whole rings, 70 per cent free of pieces of skin and core, reasonably uniform in size and not more than 5 per cent shall pass through a screen $\frac{5}{8}$ -inch square openings. The colour of the product shall be as white as the natural colour of the fruit used in the manufacture and shall not vary more than 20 per cent. Only apples of similar varieties shall be used in this grade and the name of that variety shall be shown on the label, carton, container or other lithograph design in type reasonably proportionate to the size of the other printing on the label, etc., but in no instance shall it be less than $\frac{3}{8}$ of an inch in height. No smoke odour or other defects will be permitted.

"Standard Quality Evaporated Apples (slices and rings) shall be packed from sound, firm, ripe apples which have been properly peeled, cored and trimmed, and when prepared are free from worm holes, scab, etc. The finished stock shall be 60 per cent whole rings, 60 per cent free of pieces of skin and core, reasonable uniform in size and not more than 10 per cent shall pass through a screen $\frac{1}{2}$ -inch square opening. The colour of the product shall be as white as the natural colour of the fruit used in the manufacture and shall not vary more than 50 per cent. No smoke odour or other defects will be permitted.

"Second Quality Evaporated Apples" (slices and rings) may be packed from apples from which all decomposed, bruised or other objectionable portions have been removed. The fruit shall be properly peeled, cored and trimmed but need not necessarily be uniform in size, colour or variety. The slices shall be 50 per cent free from skin or core and not more than 5 per cent shall pass through a screen $\frac{1}{4}$ -inch square openings.

Dehydrated Apples

"Fancy Quality Dehydrated Apples" (slices and rings) shall be packed from sound, firm, ripe apples not less than $2\frac{1}{2}$ inches in diameter which have been properly peeled, cored and trimmed, and when prepared, are free from worm holes, scab, etc. The finished stock shall be 90 per cent whole rings, 90 per cent free of pieces of skin and core 70 per cent uniform in size and not more than 5 per cent shall pass through a screen $\frac{3}{4}$ -inch square openings. The colour of the product shall be as white as the natural colour of the fruit used in the manufacture and shall not vary more than 10 per cent. Only one variety of apples shall be used in this grade and the name of that variety shall be shown on the label, carton, container or other lithograph design in type reasonably proportionate to the size of the other printing on the label, etc., but in no instance shall it be less than $\frac{3}{8}$ of an inch in height. No smoke odour or other defects will be permitted.

"Choice Quality Dehydrated Apples" (slices and rings) shall be packed from sound, firm, ripe apples not less than 2 inches in diameter which have been properly peeled, cored and trimmed, and when prepared, are free from worm holes, scab, etc. The finished stock shall be 80 per cent whole rings, 80 per cent free of pieces of skin and core, reasonably uniform in size and not more than 5 per cent shall pass through a screen $\frac{5}{8}$ -inch square openings. The colour of the product shall be as white as the natural colour of the fruit used in the manufacture, and shall not vary more than 20 per cent. Only apples of similar varieties shall be used in this grade and the name of that variety shall be shown on the label, carton, container or other lithograph design in type reasonably proportionate to the size of the other printing on the label, etc., but in no instance shall it be less than $\frac{3}{8}$ of an inch in height. No smoke odour or other defects will be permitted.

"Standard Quality Dehydrated Apples" (slices and rings) shall be packed from sound, firm, ripe apples which have been properly peeled, cored, trimmed, and when prepared are free from worm holes, scab, etc. The finished stock shall be 60 per cent whole rings, 70 per cent free of pieces of skin and core, reasonably uniform in size and not more than 10 per cent shall pass through a screen $\frac{1}{2}$ -inch square openings. The colour of the product shall be as white as

the natural colour of the fruit used in the manufacture and shall not vary more than 50 per cent. No smoke odour or other defects will be permitted.

“Second Quality Dehydrated Apples” (slices and rings) may be packed from apples from which all decomposed, bruised or other objectionable portions have been removed. The fruit shall be properly peeled, cored and trimmed but need not necessarily be uniform in size, colour or variety. The slices shall be 50 per cent free from skin or core and not more than 5 per cent shall pass through a screen $\frac{1}{4}$ -inch square openings.

Evaporated and Dehydrated Apples, Quarters, etc.

“Fancy Quality Evaporated Apples,” “Fancy Quality Dehydrated Apples” (quarters, sixths and eighths) shall be packed from sound, firm, ripe apples not less than $2\frac{1}{4}$ inches in diameter, which have been properly peeled, cored and trimmed, and when prepared, are free from worm holes, scab, etc. The finished stock shall be 90 per cent free of pieces of skin and core, 80 per cent uniform in size and not more than 5 per cent shall pass through a screen $\frac{3}{8}$ -inch square openings. The colour of the product shall be as white as the natural colour of the fruit used in the manufacture and shall not vary more than 10 per cent. Only one variety of apples shall be used in this grade and the name of that variety shall be shown on the label, carton, container or other lithograph design in type reasonably proportionate to the size of the other printing on the label, etc., but in no instance shall it be less than $\frac{3}{8}$ of an inch in height. No smoke odour or other defects will be permitted.

“Choice Quality Evaporated Apples,” “Choice Quality Dehydrated Apples” (quarters, sixths and eighths) shall be packed from sound, firm, ripe apples not less than 2 inches in diameter which have been properly peeled, cored and trimmed, and when prepared are free from worm holes, scab, etc. The finished stock shall be 80 per cent free of pieces of skin and core, 70 per cent uniform in size and not more than 10 per cent shall pass through a screen $\frac{1}{4}$ -inch square openings. The colour of the product shall be as white as the natural colour of the fruit used in the manufacture and shall not vary more than 20 per cent. Only apples of similar varieties shall be used in this grade and the name of that variety shall be shown on the label, carton, container or other lithograph design in type reasonably proportionate to the size of the other printing on the label, etc., but in no instance shall it be less than $\frac{3}{8}$ of an inch in height. No smoke or other defects will be permitted.

“Standard Quality Evaporated Apples,” “Standard Quality Dehydrated Apples” (quarters, sixths and eighths) shall be packed from sound, firm, ripe apples, which have been properly peeled, cored and trimmed, and when prepared are free from worm holes, scab, etc. The finished stock shall be 70 per cent free of pieces of skin and core, reasonably uniform in size and not more than 20 per cent shall pass through a screen $\frac{1}{4}$ -inch square openings. The colour of the product shall be as white as the natural colour of the fruit used in the manufacture and shall not vary more than 50 per cent. No smoke odour or other defects will be permitted.

“Second Quality Evaporated Apples,” “Second Quality Dehydrated Apples” (quarters, sixths and eighths) may be packed from apples from which all decomposed, bruised or other objectionable portions have been removed. The fruit shall be properly peeled, cored and trimmed, but need not necessarily be uniform in size, colour or variety. The pieces shall be 50 per cent free from skin or core and not more than 50 per cent shall pass through a screen $\frac{1}{4}$ -inch square openings.

NOTE.—In the foregoing definitions the term “White as the natural colour of the fruit used” shall not be deemed to apply to unbleached quarters, sixths and eighths.

Evaporated Apple Chips

“Choice Quality Evaporated Apple Chips” shall be made from sound apples or portions thereof which have been properly peeled and cored. They shall comprise such portions of the dried product which will pass through a screen

opening $\frac{3}{4}$ -inch square but will not pass through a screen opening $\frac{1}{4}$ -inch square. The finished product shall be 80 per cent free from skin and core and 80 per cent uniform in colour.

"Standard Quality Evaporated Apple Chips" shall be made from sound apples or portions thereof which have been properly peeled and cored. They shall comprise such portions of the dried product which will pass through a screen opening $\frac{3}{4}$ -inch square but will not pass through a screen opening $\frac{1}{4}$ -inch square. The finished product shall be 60 per cent free from skin and core and 60 per cent uniform in colour.

Sun Dried Apples

"Sun Dried Apples" are those apples which have a portion of their moisture taken from them without the use of artificial heat. The grading for quality for "Sun Dried Apples" shall be the same as that used for Evaporated Apples (quarters, sixths, and eighths) with the exception that they will not be expected to have so bright a colour.

Farmer's Dried Apples

No declaration of quality is required for "Farmers' Dried Apples" but when quality is claimed the same grading must be observed as is required for evaporated apples (quarters, sixths and eighths).

Evaporated Apple Skins and Cores

"Evaporated Apple Skins and Cores" is a product made by evaporating a portion of the moisture from the skins, cores and trimmings of clean, sound apples. The product must be clean, sound and wholesome and free from any substance unfit for human food.

Evaporated Apple Chop

"Evaporated Apple Chop" is a product made by evaporating a portion of the moisture from clean, sound, sliced or unsliced apples. The product must be clean, sound and wholesome and free from any substance unfit for human food.

Moisture Content, Artificial Moisture Not Permitted

The maximum moisture content permitted in evaporated, dehydrated or otherwise dried apples, skins and cores and chop, etc., will be 25 per cent. This moisture content refers to the natural moisture of the fruit. Added artificial moisture will not be permitted and the presence of such artificial moisture will be considered an adulteration and will be dealt with as such.

Apricots

"Fancy Quality Apricots" shall be packed from sound, ripe apricots of extra good colour and free from blemishes. The halves must be of good size, uniform in colour and maturity. The halves must be 70 per cent uniform in size and shape. The syrup must be clear.

"Choice Quality Apricots" shall be packed from sound, ripe apricots free from blemish. The colour shall be good, the halves 60 per cent uniform in size, shape and maturity. The syrup shall be clear.

"Standard Quality Apricots" shall be packed from sound, firm, ripe apricots. The fruit shall be of good colour, fairly free from blight or other blemish, the halves shall be fairly uniform in size, colour and maturity. The syrup shall be fairly clear.

"Second Quality Apricots" may be packed from sound, fairly ripe apricots which are reasonably free from blemishes, and are in every way fit for human food. When processed the pieces need not necessarily remain whole nor the syrup clear.

Fill

"Fill" for apricots shall conform to subsections M, O, P and Q of section 2 of these regulations.

Weight

A No. 2 can shall contain not less than 11 to 12 ounces of fruit (according to the size of the fruit) and a minimum net weight of 21 to 22 ounces (according to the size of the fruit). A No. 2½ can shall contain not less than 17 to 18 ounces of fruit (according to the size of the fruit) and a minimum net weight of 28 to 29 ounces (according to the size of the fruit). A No. 10 can shall be full of fruit and have a minimum net weight of not less than 104 to 106 ounces (according to the size of the fruit). Other standard sizes of containers shall contain a minimum weight of fruit and minimum net weight of contents in proportion to the sizes already mentioned.

Syrup

"Heavy Syrup" for apricots shall be of a density not less than 55 degrees Balling or 55 per cent sugar.

"Light Syrup" for apricots shall be of a density of not less than 30 degrees Balling or 30 per cent sugar.

"Apricots in Water," "Apricots Without Sugar" or "Apricots Unsweetened" shall have the can filled as full as possible with the fruit, to which may be added sufficient water for the proper processing of said fruit.

Blackberries

"Fancy Quality Blackberries" shall be packed from clean, sound, ripe, firm blackberries, free from worms, stems, leaves or dried berries. The fruit in the finished product shall be large or medium and uniform in size, of firm condition, 90 per cent whole and of good colour. The syrup shall be clear.

"Choice Quality Blackberries" shall be packed from clean, sound, ripe blackberries, free from worms, stems, leaves or dried berries. The fruit in the finished product shall be fairly uniform in size and colour and 80 per cent whole. The syrup shall be fairly clear.

"Standard Quality Blackberries" shall be packed from clean, sound, ripe blackberries, free from worms, stems, leaves or dried berries. The fruit in the finished product shall be 50 per cent whole and may include a small portion of immature or overripe berries. The syrup shall be fairly free of sediment.

"Second Quality Blackberries" may be packed from clean, sound, fairly ripe blackberries, free from worms, stems or leaves, but may include soft or broken fruit and mixed varieties.

Fill

"Fill" for blackberries shall conform to Subsections M, O, P and Q of Section 2 of these Regulations.

Weight

A No. 2 can shall contain not less than 12 ounces of berries and a minimum net weight of 21 ounces if packed in syrup or 20 ounces if packed in water.

A No. 2½ can shall contain not less than 19 ounces of fruit and a minimum net weight of 30 ounces; a No. 10 can shall contain not less than 70 ounces of fruit and a minimum net weight of 100 ounces.

In all other standard size containers the minimum net weight of the contents of the container, as also the minimum net weight of fruit used, shall be proportionate to the sizes already mentioned.

Syrup

"Heavy Syrup" for Blackberries shall be of a density of not less than 45 degrees Balling or 45 per cent sugar.

"Light Syrup" for Blackberries shall be of a density of not less than 30 degrees Balling or 30 per cent sugar.

"Blackberries in Water," "Blackberries Without Sugar," "Blackberries Unsweetened" shall contain not less than the above mentioned weight of blackberries per can, to which may be added sufficient water for the proper processing of the fruit.

Blueberries

"Fancy Quality Blueberries" (Huckleberries) shall be packed from clean, sound, ripe, firm blueberries free from worms, stems, leaves or dried berries. The fruit in the finished product shall be large and uniform in size, firm condition, 90 per cent whole and of good colour. The syrup shall be clear.

"Choice Quality Blueberries" shall be packed from clean, sound, ripe blueberries, free from worms, stems, leaves or dried berries. The fruit in the finished product shall be fairly uniform in size and colour and 80 per cent whole. The syrup shall be fairly clear.

"Standard Quality Blueberries" shall be packed from clean, sound, ripe blueberries, free from worms, stems, leaves or dried berries. The fruit in the finished product shall be 50 per cent whole and may include a small portion of immature and overripe berries. The syrup shall be fairly free from sediment.

"Second Quality Blueberries" may be packed from clean, sound, fairly ripe blueberries free from worms, stems or leaves, but may include soft or broken fruit and mixed varieties.

Fill

"Fill" for blueberries shall conform to Subsections M, O, P and Q of section 2 of these Regulations.

Weight

A No. 2 can shall contain not less than 12 ounces of berries and a minimum net weight of 20 ounces if packed in syrup, or 19 ounces if packed in water.

A No. 2½ can shall contain not less than 19 ounces of fruit and a minimum net weight of 28 ounces; a No. 10 can shall contain not less than 70 ounces of fruit and a minimum net weight of 95 ounces.

In all other standard size containers the minimum net weight of the contents of the container, as also the minimum net weight of the fruit used, shall be proportionate to the size already mentioned.

Syrup

"Heavy Syrup" for Blueberries shall be of a density of not less than 55 degrees Balling or 55 per cent sugar.

"Light Syrup" for Blueberries shall be of a density of not less than 30 degrees Balling or 30 per cent sugar.

"Blueberries in Water," "Blueberries Without sugar", "Blueberries Unsweetened" shall contain not less than the above mentioned weight of blueberries per can, to which may be added sufficient water for the proper processing of the fruit.

Loganberries

"Fancy Quality Loganberries" shall be packed from clean, sound, ripe, firm loganberries free from worms, stems, leaves or dried berries. The fruit in the finished product shall be large and uniform in size, firm condition, 90 per cent whole and of good colour. The syrup shall be clear.

"Choice Quality Loganberries" shall be packed from clean, sound, ripe Loganberries, free from worms, stems, leaves or dried berries. The fruit in the finished product shall be fairly uniform in size and colour and 80 per cent whole. The syrup shall be fairly clear.

"Standard Quality Loganberries" shall be packed from clean, sound, ripe Loganberries, free from worms, stems, leaves or dried berries. The fruit in the finished product shall be 50 per cent whole and may include a small portion of immature and over-ripe berries. The syrup shall be fairly free of sediment.

"Second Quality Loganberries" may be packed from clear, sound, fairly ripe Loganberries, free from worms, stems or leaves, but may include soft or broken fruit and mixed varieties.

Fill

"Fill" for Loganberries shall conform to Subsections M, O, P and Q of Section 2 of these Regulations.

Weight

A No. 2 can shall contain not less than 12 ounces of berries and a minimum net weight of 21 ounces if packed in syrup, or 20 ounces if packed in water.

A No. 2½ can shall contain not less than 19 ounces of fruit and a minimum net weight of 30 ounces.

A No. 10 can shall contain not less than 70 ounces of fruit and a minimum net weight of 100 ounces.

In all other standard size containers the minimum net weight of the contents of the container, as also the minimum net weight of the fruit used, shall be proportionate to the sizes already mentioned.

Syrup

"Heavy Syrup" for Loganberries shall be of a density of not less than 70 degrees Balling or 70 per cent sugar.

"Light Syrup" for Loganberries shall be of a density of not less than 45 degrees Balling or 45 per cent sugar.

"Loganberries in Water," "Loganberries Without Sugar," "Loganberries Unsweetened" shall contain not less than the above mentioned weight of loganberries per can, to which may be added sufficient water for the proper processing of the fruit.

Raspberries

"Fancy Quality Raspberries" shall be packed from clean, sound, ripe, firm raspberries, free from stems, leaves, green or seeded berries. The fruit in the finished product shall be uniform in size and whole; the syrup shall be clear.

"Choice Quality Raspberries" shall be packed from sound, clean, ripe, firm raspberries free from stems, leaves, green or seeded berries. The fruit in the finished product shall be practically whole; the syrup practically clear.

"Standard Quality Raspberries" shall be packed from clean, sound, ripe raspberries, free from stems, leaves, or any considerable portion of seeded berries.

"Second Quality Raspberries" may be packed from clean, sound and fairly ripe raspberries, free from stems or leaves, but may include soft or broken fruit or mixed varieties.

Fill

"Fill" for raspberries shall conform to Subsections M, O, P and Q of Section 2 of these Regulations.

Weight

A No. 2 can shall contain not less than 12 ounces of berries and a minimum net weight of 21 ounces if packed in syrup, or 20 ounces if packed in water.

A No. 2½ can shall contain not less than 19 ounces of fruit and a minimum net weight of 30 ounces; a No. 10 can shall contain not less than 70 ounces of fruit and a minimum net weight of 100 ounces.

In all other standard size containers the minimum net weight of the contents of the container as also the minimum net weight of the fruit used shall be proportionate to the sizes already mentioned.

Syrup

"Heavy Syrup" for raspberries shall be of a density of not less than 45 degrees Balling or 45 per cent sugar.

"Light Syrup" for raspberries shall be of a density of not less than 30 degrees Balling or 30 per cent sugar.

"Raspberries in Water," "Raspberries Without Sugar" or "Raspberries Unsweetened" shall contain not less than the above mentioned weight of raspberries per can, to which may be added sufficient water for proper processing of the fruit.

Variety of Raspberries

When the label designates any particular variety of raspberries the fruit must be true to that variety, i.e. Columbia or other purple varieties could not properly be labelled as "Red Raspberries."

Lawtonberries, Thimbleberries, Currants, Gooseberries

The grades of quality and quantity for lawtonberries, thimbleberries, currants and gooseberries shall be similar to those used with raspberries.

Strawberries

"Fancy Quality Strawberries" shall be packed from sound, clean, ripe strawberries, free from hulls, etc. The strawberries shall be all red, medium or large, uniform in size and free from white centres or green tips. When processed, the fruit shall remain whole and the syrup clear.

"Choice Quality Strawberries" shall be packed from clean, sound, ripe strawberries, free from hulls, etc. The fruit shall be all red, that is free from white centres, green tips and uniform in size and maturity.

"Standard Quality Strawberries" shall be packed from clean, ripe strawberries free from hulls or any considerable portion of white centres or green tips. The fruit need not be uniform in size or firmness.

"Second Quality Strawberries" may be packed from sound strawberries free from hulls, etc., but may include soft berries, or berries with white centres or green tips.

Fill

"Fill" for strawberries shall conform to Subsections M, O, P and Q of Section 2 of these Regulations.

Weight

A No. 2 can shall contain not less than 12 ounces of strawberries and a minimum net weight of 21 ounces if packed in syrup, or 20 ounces if packed in water.

A No. 2½ can shall contain not less than 18 ounces of fruit and a minimum net weight of 29 ounces if packed in syrup, or 28 ounces if packed in water.

A No. 10 can shall contain not less than 70 ounces of fruit and a minimum net weight of 100 ounces.

In all other standard size containers, the minimum net weight of the contents of the containers as also the minimum net weight of the fruit used shall be proportionate to the sizes already mentioned.

Syrup

"Heavy Syrup" for strawberries shall be of a density of not less than 55 degrees Balling or 55 per cent sugar.

"Light Syrup" for strawberries shall be of a density of not less than 30 degrees Balling or 30 per cent sugar.

"Strawberries in Water," "Strawberries Without Sugar", "Strawberries Unsweetened" shall contain not less than the above mentioned weight of strawberries per can to which is added sufficient water for proper processing of the fruit.

Cherries

"Fancy Quality Cherries" shall be packed from sound, firm, ripe cherries, free from stems, leaves or blight. The fruit when processed shall be whole and uniform in size and colour. The syrup shall be clear. If pitted, the fruit shall be free from pits or portions thereof.

"Choice Quality Cherries" shall be packed from large or medium size, sound, firm, ripe cherries, free from worms, stems, leaves or blight. If unpitted the product shall be 80 per cent uniform in colour and size. If pitted the product shall be practically free from pits or portions thereof, 80 per cent uniform in colour and size and 75 per cent whole. The syrup shall be clear.

"Standard Quality Cherries" shall be packed from sound, firm, ripe cherries, free from stems, leaves or blight, and when pitted they shall be fairly free from whole or broken pits.

"Second Quality Cherries" may be packed from sound, ripe cherries, free from stems, leaves or blight. They need not necessarily be all whole, firm or uniform in colour or variety. When pitted they shall be free from pits or portions thereof.

Fill

"Fill" for cherries shall conform to subsections M, O, P and Q of Section 2 of these Regulations.

Weight

A No. 2 can shall contain not less than 12 ounces of fruit and a minimum net weight of 22 ounces.

A No. 2½ can shall contain not less than 18 ounces of fruit and a minimum net weight of 29 ounces.

A No. 10 can shall contain not less than 70 ounces of fruit and a minimum net weight of 105 ounces.

In all other standard size containers the minimum net weight of the contents of the container as also the minimum net weight of the fruit used shall be proportionate to the sizes already mentioned.

Syrup

"Heavy Syrup" for cherries shall be of a density of not less than 55 degrees Balling or 55 per cent sugar.

"Light Syrup" for cherries shall be of a density of not less than 30 degrees Balling or 30 per cent sugar.

"Cherries in Water," "Cherries Without Sugar," "Cherries Unsweetened" shall contain not less than the above mentioned weight of cherries per can to which is added enough water for proper processing of the fruit.

Variety of Cherries

When the label designates any particular variety of cherries, the fruit must be true to that name.

The above grades of quantity and quality shall include all varieties of cherries whether pitted or unpitted.

Peaches

"Fancy Quality Peaches" shall be packed from sound, clean, ripe, firm peaches, free from blemishes and from which the skins and pits have been removed, the processed fruit must be of extra good colour and ripe, the halves must be 75 per cent uniform in size, colour and maturity. The fruit must be handled so as not to leave excessive ragged edges or centres. The syrup must be clear. No peaches less than 2¼ inches in diameter to be used in this grade.

"Choice Quality Peaches" shall be packed from sound, clean, ripe peaches, free from blemishes and from which the skins and pits have been removed. The processed fruit shall be firm, smooth and 65 per cent uniform in size, colour and maturity, the syrup shall be fairly clear.

"Standard Quality Peaches" shall be packed from sound, clean peaches, from which the skins and pits have been removed. The fruit must be of fairly good colour and reasonably free from blemishes, the halves must be 50 per cent uniform in size, colour and maturity, the syrup fairly clear.

"Second Quality Peaches" may be packed from sound, clean peaches from which the skins and pits have been removed. The processed fruit need not be uniform in size, colour or maturity, nor need the syrup be clear.

Unpeeled and Unpitted Peaches

"Standard Quality Peaches" and "Second Quality Peaches" may be packed without having skins or pits removed, but if so, this fact must be stated on the

label in plain type thus: "Standard Quality Unpitted Peaches" or "Second Quality Unpeeled Peaches" in letters not less than $\frac{1}{8}$ of an inch in height.

Sliced Peaches

"Fancy Quality Sliced Peaches" shall be packed from fruit of high colour, fairly ripe but not soft or mushy and free from serious blemishes. The slices must be 85 per cent uniform in colour, size and shape. The syrup must be clear.

"Choice Quality Sliced Peaches" shall be packed from fruit of good colour, ripe but not mushy. The slices must be 75 per cent uniform in size, colour and shape, the syrup must be fairly clear.

"Standard Quality Sliced Peaches" shall be packed from fruit of reasonably good colour, maturity and shape. The syrup shall be fairly clear.

"Second Quality Sliced Peaches" may be packed from sound peaches which are fairly firm but need not be uniform in size or shape.

Fill

"Fill" for peaches shall conform to subsections M, O, P and Q of Section 2 of these Regulations.

Weight

A No. 2 can shall contain not less than 12 ounces of fruit and a minimum net weight of 20 to 22 ounces according to the size of the fruit.

A No. 2½ can shall contain not less than 18 ounces of fruit and a minimum net weight of 28 to 29 ounces.

A No. 3 can shall contain not less than 24 ounces of fruit and a minimum net weight of 32 ounces.

A No. 10 can shall contain not less than 80 ounces of fruit and a minimum net weight of 102 ounces.

In all other standard size containers the minimum net weight of the contents of the container as also the minimum net weight of the fruit used shall be proportionate to the sizes already mentioned.

Syrup

"Heavy Syrup" for peaches shall be of a density of not less than 55 degrees Balling or 55 per cent sugar.

"Light Syrup" for peaches shall be of a density of not less than 25 degrees Balling or 25 per cent sugar.

"Peaches in Water," "Peaches Without Sugar," "Peaches Unsweetened" shall have the can filled as full as possible with fruit and to this added enough water for the proper processing of the fruit.

Variety of Peaches

When the label designates any particular variety of peaches the fruit must be true to that variety.

Pears

"Fancy Quality Pears" shall be packed from sound, clean pears, free from worm holes, scabs, etc., and which are smoothly peeled, evenly halved and carefully cored. When processed the fruit shall be 75 per cent uniform in size, colour and maturity, and free from any ragged or soft portions. The syrup shall be clear and free from specks. No pears less than 2¼ inches in diameter to be used in this grade.

"Choice Quality Pears" shall be packed from sound, clean pears, free from worm holes, scabs, etc., and which are carefully cored, peeled and trimmed. When processed the fruit shall be 65 per cent uniform in size, colour and maturity, the syrup shall be clear. No fruit less than 2½ inches in diameter to be used in this grade.

"Standard Quality Pears" shall be packed from sound, clean pears, free from worm holes, scabs, etc., and which are properly peeled, cored and trimmed. When processed the fruit shall be 50 per cent uniform in colour and maturity, the halves fairly whole, and the syrup fairly clear.

"Second Quality Pears" may be packed from sound, clean pears. The pieces shall be free from worm holes, bruises or decayed portions. The slices need not necessarily be even in size or maturity. The syrup on the processed fruit need not be clear.

Fill

"Fill" for pears shall conform to Subsections M, O, P and Q of Section 2 of these Regulations.

Weight

A No. 2 can shall contain not less than 12 ounces of fruit and a minimum net weight of $20\frac{1}{2}$ to $21\frac{1}{2}$ ounces, according to the size of the fruit.

A No. $2\frac{1}{2}$ can shall contain not less than 18 ounces of fruit and a minimum net weight of $28\frac{1}{2}$ to $29\frac{1}{2}$ ounces, according to the size of the fruit.

A No. 3 can shall contain not less than 24 ounces of fruit and a minimum net weight of 32 ounces.

A No. 10 can shall contain not less than 60 ounces of fruit and a minimum net weight of 104 ounces.

In all other standard size containers the minimum net weight of the contents of the container as also the minimum net weight of the fruit used shall be proportionate to the sizes already mentioned.

Syrup

"Heavy Syrup" for pears shall be of a density of not less than 45 degrees Balling or 45 per cent sugar.

"Light Syrup" for pears shall be of a density of not less than 25 degrees Balling or 25 per cent sugar.

"Pears in Water," "Pears Without Sugar," "Pears Unsweetened" shall have the can filled as full as possible with pears, and to this shall be added enough water for the proper processing of the fruit.

Unpeeled Pears

Pears may be packed unpeeled but when so packed the fact must be stated on the label in letters not less than $\frac{3}{8}$ of an inch in height.

Variety of Pears

When the label designates any particular variety of pears, the fruit must be true to that name.

The above grades of quality and quantity shall apply to all varieties of pears.

Pineapples

"Fancy Quality Sliced Pineapple" shall be of whole cored slices only, practically free from imperfections, such as eyes, slashed sides or discolourations, and must be uniform as to colour, thickness and diameter of slice. The syrup shall be clear.

"Choice Quality Sliced Pineapple" shall contain whole cored slices. Slashed or macerated sides or other imperfections of workmanship which in their nature prevent them from being graded as Fancy Quality will be permitted in this grade. This grade should be comparatively free from eyes or discolourations. The syrup shall be fairly clear.

"Standard Quality Sliced Pineapple" shall be the fruit which is sound, wholesome and in every way fit for food. The slices need not necessarily be whole or uniform in colour or size and this grade may be made entirely of irregularly broken cored slices.

"Second Quality Sliced Pineapple" may be that fruit which is sound, wholesome and in every way fit for food but which contains imperfections of workmanship which render the product unsuitable for a better grade.

"Tit-bits Pineapple," "Tid-bits Pineapple" shall be described as small portions of pineapple. The definitions for various grades shall correspond with the definitions of sliced pineapple excepting that the word slices in sliced pineapple shall be replaced by the word "portions" in Tit-bits or Tid-bits.

"Confectioners Sliced Pineapple" for manufacturing or glace purposes may be made from either ripe or unripe fruit, cored or uncored. The fruit must be clean and sound, uniform in size as to diameter and thickness. The term "Confectioners Sliced" either "Cored" or "Uncored" as the case may be shall be considered an accurate label description.

"Fancy Quality Crushed or Grated Pineapple" shall contain fruit practically free from eyes or other imperfections and, of uniform consistency.

"Choice Quality Crushed or Grated Pineapple" shall contain fruit of a fairly firm consistency and 90 per cent free from eyes or other imperfections.

"Standard Quality Crushed or Grated Pineapple" shall be made from properly cored and trimmed sound fruit which because of imperfections would be unsuitable for better grading.

"Second Quality Crushed or Grated Pineapple" may be composed of not more than one-half crushed cores and not less than one-half crushed or grated pineapple of the Standard quality. The label description on these goods to, at all times, show they are composed of Crushed Pineapple and Crushed Cores.

"Pineapple Cores" for manufacturing or glace purposes must be clean and sound, either sliced or whole. If sliced, pieces must be practically uniform in size as to diameter and thickness. The label description of these goods to plainly state "Pineapple Cores."

Syrup

"Heavy Syrup" for pineapple will be considered as that syrup which cuts out not less than 23 per cent Balling at 60F.

"Light Syrup" for pineapple will be considered as that syrup which cuts out not less than 17 per cent Balling at 60F.

Plums, Prunes

"Fancy Quality Plums," "Fancy Quality Prunes," shall be packed from sound, firm, clean, ripe fruit of the variety named, free from stems, leaves or blight. The processed fruit shall be whole and uniform in size and colour. This grade shall not include any small or undersized fruit of its variety. The syrup shall be clear.

"Choice Quality Plums," "Choice Quality Prunes," shall be packed from the sound, clean ripe fruit of the variety named, free from stems, leaves or blight and shall be fairly uniform in size. The processed fruit shall be practically whole, the syrup fairly clear.

"Standard Quality Plums," "Standard Quality Prunes," shall be packed from sound, firm, clean, ripe fruit of the variety named, free from stems, leaves or blight.

"Second Quality Plums," "Second Quality Prunes" may be packed from the sound, clean fruit of its variety, free from stems, leaves or blight. When processed the fruit need not be whole nor need the syrup be clear.

Fill

"Fill" for plums and prunes shall conform to Subsections M, O, P and Q of Section 2 of these Regulations.

Weight

A No. 2 can shall contain not less than 11 to 12 ounces of fruit (according to the size of the fruit) and a minimum net weight of 21 to 22 ounces (according to the size of the fruit).

A No. 2½ can shall contain not less than 17 to 18 ounces of fruit (according to the size of the fruit) and a minimum net weight of 28 to 29 ounces (according to the size of the fruit).

In all other standard size containers the minimum net weight of the contents of the container, as also the minimum net weight of the fruit used, shall be proportionate to the sizes already mentioned.

Syrup

"Heavy Syrup" for plums and prunes shall be of a density of not less than 55 degrees Balling or 55 per cent sugar.

"Light Syrup" for plums and prunes shall be of a density of not less than 30 degrees Balling or 30 per cent sugar.

"Plums in Water," "Prunes in Water," "Plums Unsweetened," "Prunes Unsweetened" shall have the can filled as full as possible with the said fruit and to this may be added sufficient water for the proper processing of the fruit.

Variety of Plums

When the label designates any particular variety of plums, the fruit must be true to the variety named, that is to say, if the label reads "Blue Damson" plums it must be used on plums of the Blue Damson variety and not on any other variety of blue plums, neither could any green plum other than true Green Gage be properly labelled "Green Gages".

Asparagus

Asparagus tips may be sold as such if not more than $4\frac{1}{2}$ inches long from tip ends.

"Fancy Quality Asparagus" shall be packed from asparagus tips which are young, crisp and tender. The tips shall be practically straight and uniform in size, practically uniform in colour and practically free from white woody butts, sand or other dirt. The brine shall be clear.

"Choice Quality Asparagus" shall be packed from asparagus tips which are fairly young, crisp and tender. They need not be straight nor uniform in size but shall be 90 per cent uniform in colour and 90 per cent free from woody butts, sand or other imperfections. The brine shall be practically clear.

"Standard Quality Asparagus" shall be packed from asparagus tips which are sound, wholesome and edible and 75 per cent free from woody butts.

"Asparagus Cuttings" may be packed from those portions of the asparagus stalks which are sound, wholesome and edible. Quality declaration for asparagus cuttings must correspond relatively in tenderness, etc., to the tips defined previously.

Weight

The minimum weight of asparagus in a No. 2 can shall be 12 ounces. The minimum net weight of asparagus in other sizes of cans shall be in proportion to their size as compared with a No. 2 can.

Beans

Note.—The beans referred to herein are the bean pods before the seed has developed to any considerable size.

"Fancy Quality Beans" shall be packed from such beans as will pass between rolls 14/64 of an inch apart. They must be young and tender and packed while still fresh and crisp. They must be free from rust, strings or stems. The liquor must be clear.

"Fancy Quality Cut Beans" shall be packed from beans which are young and tender. The pods must not exceed 19/64 of an inch in diameter nor may the beans formed in the pod exceed $\frac{1}{4}$ -inch in length. The cut portions must be 90 per cent uniform in size and colour. No soft or mushy beans to be permitted in the finished product. The liquor must be clear.

"Choice Quality Beans" shall be packed from such beans as will pass between rolls 17/64 of an inch apart. They must be picked while young and tender and before any beans have been formed in the pod. They must be free from rust, strings or stems and the liquor shall be clear.

"Choice Quality Cut Beans" shall be packed from beans which have been picked while young and tender. The pods must not exceed 23/64 inch in diameter nor may the beans formed in the pod exceed $\frac{3}{8}$ of an inch in length. The cut portions must be 75 per cent uniform in size and colour. The finished product must be fairly firm and the liquor clear.

"Standard Quality Beans" shall be packed from beans which have been picked while fairly young and tender and before beans of any considerable size have formed in the pod. They must be free from rust, strings or stems. The colour must be fair and the liquor fairly clear.

"Standard Quality Cut Beans" shall be packed from beans which have been packed while fairly young and tender and before beans of any considerable size have formed in the pod. The finished product shall be free from hard strings or hard bean seed. The pods shall be fairly free from discolourment around the seed. The liquor fairly clear.

"Second Quality Beans" may be packed either whole or cut from stock which is too mature to meet the requirements of the foregoing grades, but which are still fairly tender. Seed beans may be formed in the pod but they must be tender. The beans must be fairly free from strings, stems or rust.

Fill

All cans must be filled of beans before the brine is added.

Weight

A No. 2 can shall contain not less than 11 ounces of beans and a minimum net weight of 19 ounces.

A No. 10 can shall contain not less than 55 ounces of beans and a minimum net weight of 105 ounces.

In all other standard size containers the minimum net weight of the contents of the container as also the minimum net weight of the vegetables used shall be proportionate to the sizes already mentioned.

Asparagus Style Beans

Standards for "Asparagus Style" beans to correspond in quality to Standards for cut beans except that the pod shall be full length of can used.

The above grading shall apply to all varieties of podded beans packed while in the green state.

Beets

(Order No. 2014)

"Fancy Quality Beets" shall be packed from the blood red variety of beets from which all skin, roots, stems, soft spots and other blemishes have been removed. The beets for this grade must be free from artificial colour, uniform in size, colour and texture. The beets shall not exceed $1\frac{1}{2}$ inches in diameter. Only whole beets will be recognized in this grade.

"Choice Quality Beets" shall be packed from the blood red variety of beets from which all skins, roots, stems, spots and other blemishes have been removed. The beets for this grade shall not exceed $1\frac{3}{4}$ inches in diameter. The beets must be free from artificial colour, uniform in size, colour and texture. Only whole beets will be recognized in this grade.

"Standard Quality Beets" shall be packed from the blood red variety of beets which have been carefully peeled and trimmed and are free from roots or dark spots. The beets for this grade shall not exceed $2\frac{1}{8}$ inches in diameter. The beets must be free from artificial colour and be fairly uniform in size, colour and texture. The beets may be either whole or sliced.

"Second Quality Beets" may be packed from any blood red variety of beets which have been carefully peeled and trimmed. The beets may be either whole or sliced.

Fill

In each case the can shall be as full of beets as possible.

Weight

The minimum net weight of a No. 2 can of beets shall be 20 ounces; a No. 2½ can, 28 ounces; a No. 3 can, 33 ounces, and a No. 10 can, 106 ounces.

Sliced Beets

"Fancy Quality Sliced Beets" shall be packed from blood red variety of beets from which all skins, roots, stems, dirt, spots and other blemishes have been removed. The beets shall be free from artificial colour and the slices of uniform thickness and texture. The beets in this grade shall not exceed $1\frac{1}{2}$ inches in diameter.

"Choice Quality Sliced Beets" shall be packed from blood red variety of beets from which all skins, roots, stems, dirt and other blemishes have been removed. The colour shall be natural and the slices of fairly uniform thickness and texture. The beets in this grade shall not exceed two inches in diameter.

"Standard Quality Sliced Beets" shall be packed from blood red variety of beets which have been carefully peeled and trimmed and are free from roots, dirt and dark spots. The beets shall be free from artificial colour and the slices of natural colour and texture and fairly uniform in thickness. The beets for this grade shall not exceed $2\frac{3}{8}$ inches in diameter.

Diced or Cubed Beets

"Fancy Quality Diced or Cubed Beets" shall be packed from blood red variety of beets from which all skins, roots, stems, dirt, spots or other blemishes have been removed. The beets must be free from artificial colour, the cubes clean cut, tender and uniform in size, colour and texture and practically free from small splinters or irregular shaped cubes.

"Choice Quality Diced or Cubed Beets" shall be packed from blood red variety of beets from which all skins, roots, stems, dirt, spots or other blemishes have been removed. The beets must be free from artificial colour, the cubes clean cut and fairly uniform in size, colour and texture and fairly free from small splinters or irregular shaped cubes of beets.

"Standard Quality Diced or Cubed Beets" shall be packed from blood red variety of beets which have been carefully peeled and trimmed and are free from roots, dirt and dark spots. The beets must be free from artificial colour and the cubes of natural colour and texture. There must not be an excessive proportion of splinters and irregular shaped cubes.

"Second Quality Whole Beets," "Second Quality Sliced Beets" and "Second Quality Diced or Cubed Beets" shall be packed from blood red variety of beets which have been carefully trimmed and are free from artificial colour.

Carrots

(Order No. 2014.)

"Fancy Quality Whole or Baby Carrots" shall be packed from carrots from which all dirt, stems, roots, spots or blemishes have been removed. They shall be of high natural colour and practically uniform in size, shape and texture. The carrots in this grade shall not exceed $\frac{7}{8}$ -inch in diameter.

"Choice Quality Whole Carrots" shall be packed from carrots from which all dirt, stems, roots or blemishes have been removed. They shall be of good natural colour and reasonably uniform in size, shape and texture. The carrots in this grade shall not exceed $1\frac{1}{4}$ inches in diameter.

"Standard Quality Whole Carrots" shall be packed from carrots from which all dirt, stems, roots, spots and blemishes have been removed. They shall be of fair natural colour and texture. The carrots in this grade shall not exceed $2\frac{1}{2}$ inches in diameter.

Sliced Carrots

"Fancy Quality Sliced Carrots" shall be packed from carrots from which all dirt, stems, roots, spots and blemishes have been removed. They shall be of good natural colour and texture. The slices shall be of uniform thickness and size and not more than $1\frac{1}{4}$ inches in diameter.

"Choice Quality Sliced Carrots" shall be packed from carrots from which all dirt, stems, roots or blemishes have been removed. They shall be of good natural colour and texture and the slices shall be of fairly uniform thickness. The carrots must not be of more than two inches in diameter.

"Standard Quality Sliced Carrots" shall be packed from carrots from which all dirt, stems, roots, spots or blemishes have been removed. They shall be of fair natural colour and texture, and shall not exceed $2\frac{1}{2}$ inches in diameter.

Diced or Cubed Carrots

"Fancy Quality Diced or Cubed Carrots" shall be packed from carrots from which all dirt, stems, roots, spots and blemishes have been removed. They shall be of high natural colour, and cubes shall be clean cut, uniform in size and texture and practically free from splinters or irregular shaped cubes.

"Choice Quality Diced or Cubed Carrots" shall be packed from carrots from which all dirt, stems, roots or blemishes have been removed. They shall be of good natural colour and the cubes clean cut, fairly uniform in size and texture and fairly free from splinters and irregular shaped cubes of carrots.

"Standard Quality Diced or Cubed Carrots" shall be packed from carrots from which all dirt, stems, roots, spots or blemishes have been removed. They shall be a fair natural colour and texture and free from an excessive proportion of splinters and irregular shaped cubes.

"Second Quality Whole Carrots," "Second Quality Sliced Carrots" and "Second Quality Diced or Cubed Carrots" shall be packed from sound carrots which have been carefully cleaned and trimmed.

Fill

In each case the can shall be as full of carrots as possible.

Weight

The minimum net weight of a No. 2 can of carrots shall be 20 ounces; a No. $2\frac{1}{2}$ can, 28 ounces; a No. 3 can, 33 ounces; and a No. 10 can, 106 ounces.

In all other standard size containers the minimum net weight shall be proportionate to the size already mentioned.

Corn

(Order No. 2014)

All grades of canned corn shall be packed from certain varieties of corn known to the trade as "Sweet Corn." The corn shall be picked from the stalks when it is young and tender; that is, when the kernels are in a creamy or milky state on the cob.

Cream Style Corn

"Cream Style" canned corn (generally known to the trade as "Corn") is canned sweet corn prepared from grains of corn which have been removed from the cob by shallow cutting and subsequent scraping, causing it to have a creamy consistency.

"Fancy Quality Cream Style Corn" shall be packed from selected stock of young and tender corn. It shall be packed while still fresh and must have the distinctive flavour of young corn. It must be free from pieces of cob, silk, husks and specks. The colour must be bright and the appearance creamy.

"Choice Quality Cream Style Corn" shall be young and tender, the colour shall be bright. It must have the distinctive flavour of young corn and be practically free from pieces of cob, silk, husks, specks, tough or withered corn.

"Standard Quality Cream Style Corn" shall be fairly young and tender and free from any considerable portion of cob, silk husks or specks. The colour must be reasonably bright with very little brown in it.

"Second Quality Cream Style Corn" may be packed from corn which, while still in the green state, is too matured to meet the requirements of any of the foregoing grades. The finished product shall be fairly free from pieces of cob, husk or silk and shall be fairly bright in colour.

Fill

All grades of Cream Style Corn shall be solid pack and the cans must be filled full.

Whole Grain Style Corn

"Whole Grain Style" canned corn is the canned product of sweet corn from which the grains have been removed from the cob by cutting in such a manner as to leave the grains practically whole.

"Fancy Quality Whole Grain Style" canned corn shall be packed from selected stock of fresh sweet corn. The grains must be practically whole and uniform in size, colour and maturity. They shall be young, tender and have the distinctive flavour of very young, fresh sweet corn. The product shall be free from silk, husks, cob, scrapings or other defects.

"Choice Quality Whole Grain Style" canned corn shall be packed from stock which is fresh, young and tender. The grains shall be fairly uniform in size, colour and maturity and have the distinctive flavour of young sweet corn. The product shall be practically free from pieces of cob, silk, husks, scrapings or other defects.

"Standard Quality Whole Grain Style" canned corn shall be packed from fairly young and tender sweet corn and shall be free from any considerable portion of cob, silk husks, tough or withered corn. The grains shall be mostly whole or reasonably bright in colour for the grade and fairly free from chips or scrapings of corn. The flavour of the product shall be true to that of unripe corn which is still in the milky stage.

"Second Quality Whole Grain Style" canned corn may be packed from sweet corn which, while still in the green milky state, is too matured to meet the requirements of the foregoing grades. The finished product shall be fairly bright in colour and fairly free from pieces of cob, husks, silk or withered corn. The grain shall be reasonably whole, bright in colour for the grade and flavour true to that of unripe corn.

Cut Kernel Style Corn

"Cut Kernel Style" canned corn is the canned product of sweet corn from which the grains have been removed from the cob in such a manner as to leave them as whole kernels or whole pieces of kernels.

"Fancy Quality Cut Kernel Style" canned corn shall be packed from selected stock of fresh sweet corn. The kernels may be whole or cut but shall be free from scrapings. The product shall be uniform in colour and maturity. It shall be young, tender and have the distinctive flavour of young, fresh sweet corn. The finished product shall be free from silk, husks, cob or other defects.

"Choice Quality Cut Kernel Style" canned corn shall be packed from stock of sweet corn which is fresh, young and tender. The cut kernels may be whole or in pieces but shall be free from scrapings. The product shall be uniform in colour and maturity and have the distinctive flavour of young sweet corn. It shall be practically free from pieces of cob, silk, husks, scrapings or other defects.

"Standard Quality Cut Kernel Style" canned corn shall be packed from fairly young, tender sweet corn and shall be free from any considerable portion of cob, silk, husks, tough or withered corn. The kernels may be whole or cut but shall be fairly free from scrapings. They shall be reasonably bright in colour for the grade and the flavour of the product shall be true to that of unripe corn which is still in the milky stage.

"Second Quality Cut Kernel Style" canned corn may be packed from sweet corn which, while still in the green milky state, is too mature to meet the requirements of the foregoing grades. The finished product shall be fairly bright in colour and fairly free from pieces of cob, husks, silk or withered corn. The kernels may be whole or cut but shall be fairly free from scrapings. It shall be bright in colour for the grade and have the flavour true to that of unripe corn.

Fill

"Whole Grain Style" canned corn or "Cut Kernel Style" canned corn may be packed with or without the addition of brine. The brine for these two styles of canned corn shall be made from water with or without the addition of sugar and salt. No more brine shall be used than would be necessary to cover the corn.

Weight

The minimum net weight of the contents of a No. 2 can shall be 20 ounces.

In all other standard size containers the minimum net weight shall be proportionate to the sizes already mentioned.

Corn on Cob

"Fancy Quality Corn on Cob" shall be packed from sweet corn which is young and tender. The ears in the can shall be uniform in size of cob, type, colour, maturity and flavour and free from silk, husks, stalks or undeveloped ends.

"Choice Quality Corn on Cob" shall be packed from sweet corn which is young, tender and fairly uniform in size of cob, variety and maturity. The corn shall be young and tender and practically free from silk, husks, stalks, or immature ends.

"Standard Quality Corn on Cob" shall be packed from sweet corn which is fairly uniform in size of cob, colour and maturity but which would not qualify for the higher grades.

Bleach

If sulphite of soda or other bleaches are used the fact that such bleaching methods have been used shall be stated on the principal part of the label in plain letters, said letters to be not less than three-eighths inch in height, thus, "Bleached with Sulphite of Soda."

Declaration of Variety

When a variety of corn is claimed on the label, the corn must be true to that variety, i.e., Golden Bantam corn must be packed from the Golden Bantam variety, not from any other variety of yellow corn, and Evergreen corn must be packed from the Evergreen variety, not from Crosby, Country Gentleman, etc.

Peas

Peas shall be packed when fresh, green, young and tender. They shall be clean, sound and free from thistles, dock or other impurities.

Grading for Size

Grading shall be decided according to the size of the opening in the sieves through which the peas may be passed.

If graded for size, the following grading shall be observed:

Size 1 peas are those which pass through an opening $\frac{9}{32}$ of an inch in diameter.

Size 2 peas are those which pass through an opening $\frac{10}{32}$ of an inch in diameter.

Size 3 peas are those which will pass through an opening $\frac{11}{32}$ of an inch in diameter.

Size 4 peas are those which will not pass through an opening $\frac{11}{32}$ of an inch in diameter.

If size 5 peas are claimed the size shall be defined as those peas which will not pass through an opening $\frac{12}{32}$ of an inch in diameter.

When peas are not graded for size they shall be marked "Ungraded."

Declaration of Size

Declaration of grading for size shall be in type not less than $\frac{1}{4}$ of an inch in height.

Grading for Quality

The following grading for quality shall be observed, said grading to be declared in type not less than $\frac{3}{8}$ of an inch in height.

"Fancy Quality Peas" shall be those peas which open up practically unchanged in size by processing, are green and uniform in colour, young and tender and free from skins, splits, etc. The brine shall be clear.

"Choice Quality Peas" shall be those which open up uniform in size claimed, colour, maturity and cook, and which are free from any considerable amount of splits and skins. The peas should not have increased in processing more than $\frac{1}{32}$ of an inch in diameter. The brine shall be clear.

"Standard Quality Peas" shall be those which open up fairly uniform in size claimed, colour, maturity and cook and which are fairly free from skins, splits and pods. The brine shall be fairly clear.

"Second Quality Peas" may be any unripe peas which do not meet the requirements of the foregoing grading for quality regardless of size.

Brine

Brine for peas shall be made from water with or without the addition of salt or sugar.

Weight

The minimum net weight of a No. 2 can of peas shall be 20 ounces. The minimum net weight of the drained solids after processing shall be $12\frac{1}{2}$ ounces.

In all other standard size containers the minimum net weight of the contents of the container as also the minimum net weight of the vegetables used shall be proportionate to the sizes already mentioned.

Labelling of Peas

The label shall show on its principal part the quality of the peas, i.e., "Fancy Quality Peas" or "Standard Quality Peas" in type not less than $\frac{3}{8}$ of an inch in height, and also the number of the sieve in type not less than $\frac{1}{4}$ of an inch in height, i.e., "Size No. 1" or "Size No. 2" or "Sieve No. 1" or "Sieve No. 2" as the case may be.

Ripe Peas

Ripe peas may be canned provided only that the label shows the words "Ripe Peas" or "Soaked Peas" on the principal part of the label in plain type not less than $\frac{1}{2}$ of an inch in height.

Variety of Peas

When the label calls for a variety of peas, the peas must be true to that variety, thus Early June Peas must be packed from the Early Smooth varieties and Sweet Wrinkled Peas must be packed from the sweet wrinkled varieties of peas.

Colour in Peas

The use of Sulphate of Copper or other artificial colour for colouring of peas is prohibited.

Pumpkin

"Fancy Quality Pumpkin" shall be packed from sweet, ripe, clean, sound pumpkin of fine texture from which the seeds and pulpy portions have been removed before the pumpkin is cooked. The finished product must be in the form of a heavy thoroughly sieved pulp, free from portions of skins, seed, shreds, or free liquid, and must not contain more than 90 per cent of water as determined by drying in a vacuo at 70 degrees C.

"Choice Quality Pumpkin" shall be packed from sweet, ripe, clean, sound pumpkin of fine texture from which the seeds and pulpy portions have been removed before the pumpkin is cooked. The finished product must be in the form of a heavy thoroughly screened pulp and free from any considerable portion of skin, seeds or shreds and must not contain more than 91 per cent of water as determined by drying in a vacuo at 70 degrees C.

"Standard Quality Pumpkin" shall be packed from sweet varieties of ripe, clean, sound pumpkin. The finished product must be in the form of a heavy thoroughly screened pulp and free from any considerable portion of skins or seeds and must not contain more than 92 per cent of water as determined by drying in a vacuo at 70 degrees C.

"Second Quality Pumpkin" may be packed from sweet varieties of ripe, clean, sound pumpkin. The finished product must be in the form of a heavy, thoroughly screened pulp and free from any considerable portion of skins or seeds and must not contain more than 92.5 per cent of water as determined by drying in a vacuo at 70 degrees C.

Use of Cornstarch

The use of cornstarch or other filler will not be permitted in Fancy Quality Pumpkin but will be permitted in "Choice Quality Pumpkin," "Standard Quality Pumpkin," and "Second Quality Pumpkin" providing that the presence of the same is declared upon the label in plain type not less than $\frac{1}{8}$ of an inch in height, directly under the word "Pumpkin" on the main part of the label, thus, "Pumpkin, thickened with cornstarch."

Fill

All cans must be filled full of pumpkin. The head space allowed for a No. 2, $2\frac{1}{2}$ and 3 can will be $\frac{1}{2}$ inch, for a No. 10 can $\frac{3}{4}$ of an inch.

Weight

The minimum net weight of the contents of a No. 2 can of pumpkin shall be 19 ounces; a No. $2\frac{1}{2}$ can, 30 ounces, a No. 3 can, 33 ounces and a No. 10 can, 104 ounces.

Squash

The grades of Quality and Quantity above as applied to Pumpkins shall also apply to Squash.

Spinach

"Fancy Quality Spinach" shall be packed, from spinach which is canned when young, crisp, tender and free from sand, dirt or foreign weeds and practically free from seedy stalks. No wilted spinach will be allowed in this grade.

"Choice Quality Spinach" shall be packed from spinach which is canned when fairly young and tender and free from sand, dirt or foreign weeds.

"Standard Quality Spinach" shall be packed from spinach which is sound, wholesome, edible and in every way fit for human food.

Weight

The minimum net weight of a No. 2 can of spinach shall not be less than 19 ounces, a No. $2\frac{1}{2}$ can, 27 ounces, and a No. 10 can, 100 ounces.

Tomatoes

"Fancy Quality Tomatoes" shall be packed from selected prime, clean, sound, red-ripe tomatoes. The finished product shall be red in colour, free from pieces of skins, cores, black spots or sun scald. The tomatoes shall be practically whole. The can shall be full.

"Choice Quality Tomatoes" shall be packed from selected, clean, sound, red-ripe tomatoes. The finished product shall be of good flavour, fairly red in colour, free from pieces of skin, cores, black spots or sun scald. The can when opened should show the majority of the tomatoes whole or in large pieces.

"Standard Quality Tomatoes" shall be packed from field run of clean, sound, ripe tomatoes. The finished product shall be of good flavour, practically free from skins, pieces of core, black spots or sun scald.

"Second Quality Tomatoes" may be packed from tomatoes which must be sound and clean and reasonably ripe. The finished product must be well peeled, cored and trimmed and free from any unwholesome substance but need not necessarily be uniform in colour or appearance.

Fill

All cans must be filled full of tomatoes. The head space allowed for can sizes No. 2, $2\frac{1}{2}$ and 3, when processed will be half an inch. For can size No. 10 it will be $\frac{3}{4}$ of an inch.

Weight

The minimum net weight of a No. 2 can of tomatoes shall be 19 ounces; of a No. 2½ can, 28 ounces; of a No. 3 can, 32 ounces, and of a No. 10 can, 103 ounces.

Use of Salt or Sugar

If salt or sugar be used, it must be used dry or dissolved in the juice that comes out of the tomatoes. Brine made from water and sugar or salt or both will not be allowed.

Juice

The juice which comes out of the tomatoes after peeling may be added to the bulk when filling the cans, but it must be the juice out of that particular lot of tomatoes. This does not apply to the juice or pulp from trimmings.

Tomato Purée

"Tomato Purée" shall be made from clean, sound, ripe tomatoes of good flavour with the skin and seeds removed and concentrated to one-half or less of its original bulk.

Tomato Pulp

"Tomato Pulp" may be made from trimmings of clean, sound, tomatoes, that have been thoroughly washed and sorted before peeling. Trimmings which contain dirty particles, portions of rot, ferment, mould or other objectionable matter shall not be used in the manufacture of pulp.

Strained Tomatoes

"Choice Quality Strained Tomatoes" is the product obtained by straining clean, sound, whole, ripe tomatoes either raw or cooked through a screen that removes all the stems, skins and seeds.

"Standard Quality Strained Tomatoes" is the product obtained by straining sound, clean, ripe tomatoes, or parts of sound, clean, ripe tomatoes, either raw or cooked, through a screen that removes all the stems, skins, and seeds.

Tomato Paste

"Choice Quality Tomato Paste" is the product made from "Choice Quality Strained Tomatoes" concentrated by evaporation, with or without the addition of salt. It contains not less than 30 per cent of tomato solids as determined by drying in vacuo at 70 degrees C.

"Standard Quality Tomato Paste" is the product made from "Standard Quality Strained Tomatoes" concentrated by evaporation, with or without the addition of salt. It contains not less than 20 per cent of tomato solids as determined by drying in vacuo at 70 degrees C.

Concentrated Tomato Paste

"Choice Quality Concentrated Tomato Paste" is the product made from "Choice Quality Strained Tomatoes" concentrated by evaporation, with or without the addition of salt. It contains not less than 30 per cent of tomato solids as determined by drying in vacuo at 70 degrees C.

"Standard Quality Concentrated Tomato Paste" is the product made from "Standard Quality Strained Tomatoes" concentrated by evaporation, with or without the addition of salt. It contains not less than 30 per cent tomato solids as determined by drying in vacuo at 70 degrees C.

The finished Product of Tomato Purée, Tomato Pulp, Strained Tomatoes and Tomato Paste shall be sterile.

THE FOOD PRODUCTS MINIMUM LOSS ACT—MANITOBA
AN ACT respecting a Minimum Loss for Food Products.

CHAPTER 78

of the

Revised Statutes of Manitoba, 1940

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Short title.

1. This Act may be cited as "The Food Products Minimum Loss Act." S.M. 1937-38, c. 16, s. 1.

Definitions.

2. In this Act, unless the context otherwise requires,

"Commodity."

(a) "commodity" means any subject of commerce;

"Cost."

(b) "cost" means the price charged by a recognized wholesaler to a bona fide retailer, less the regular cash and quantity discounts applicable to the purchase, plus customs and excise duties, sales tax, if any, and transportation to the retailer's place of business;

"Food product."

(c) "food product" means any commodity alone or in combination, in its natural state, or manufactured, processed, preserved, pickled, smoked, dried, evaporated, condensed, bottled, canned or otherwise put up or prepared, intended for human consumption as food and includes soap, soap products and soap substitutes; but does not include fresh fruits, fresh vegetables, fresh meats, fresh fish, and other highly perishable goods;

"Invoice price."

(d) "invoice price" means the price of a product as it appears in the invoice, sales slip, or other memorandum of sale given, issued, or sent to the retailer by the seller in the regular course of business in connection with the transaction of the sale of the product to the retailer;

"Retailer."

(e) "retailer" means any person who offers for sale, sells, or keeps for sale a product or commodity to consumers for use. S.M. 1937-38, c. 16, ss. 2 and 6.

Prohibition of selling at less than retail set price.

3. No retailer shall offer for sale, sell or keep for sale in the province any food product at a price less than five per centum above the cost of the same to the retailer. S.M. 1937-38, c. 16, s. 3.

Act not to apply in certain cases.

4. This Act shall not apply to sales by a trustee in bankruptcy or a receiver under the Bankruptcy Act (Canada) or a liquidator under the Winding-up Act (Canada), or a sheriff, or by judicial process; or to sales of damaged goods sold at a price proportionately reduced because of such damage and not merely reduced in evasion of this Act; or to any general sale of commodities in a store or premises where the retailer is actually retiring from business or moving to other premises; or where the retailer is discontinuing the distribution of the line of goods so being offered for sale. S.M. 1937-38, c. 16, s. 4 am.

Sale of commodities in certain combinations an offence.

5. The sale of a food product,

(a) in combination with any other commodity at a combined price or at prices not applicable to the purchase of the articles individually; or

(b) contemporaneously with the gift of any commodity; or

(c) in connection with which a premium, premium certificate, or other similar inducement to purchase originating with the retailer or with a manufacturer or processor who is also a retailer, is offered or advertised, shall be deemed to be a violation of section 3 of this Act: Provided that if the food product is sold in combination only with other food products, such a sale will not be deemed to be a violation of section 3 in the case of any prosecution for violation of this Act, if the retailer proves that the total price charged for the combination is not less than the aggregate of the prices at which such food products might lawfully be sold by him under this Act. S.M. 1937-38, c. 16, s. 5.

No prosecution in certain cases.

6. If any manufacturer, or processor, of food products, offers, for a limited period of time, to sell or otherwise dispose of any quantity of food products through regular distribution channels at prices less than those regularly charged for such products in like quantities, and if any retailer benefitting by such an offer desires to pass on to the consumer all or any part of such price reduction, no prosecution for violation of this Act shall be instituted against such retailer if within thirty days of the discontinuance of such special offer by the manufacturer or processor, the retailer readjusts his retail prices of such products on the basis of replacement cost. S.M. 1937-38, c. 16, s. 7 am.

Manner in which retail set price may be proved.

7. In any prosecution for violation of this Act the purchase price may be proved by proof of the invoice price. S.M. 1937-38, c. 16, s. 8.

Penalty.

8. Every person violating the provisions of this Act shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars. S.M. 1937-38, c. 16, s. 9.

Note: Penalties recoverable under "The Manitoba Summary Convictions Act."

THE FROZEN FOOD LOCKERS ACT—SASKATCHEWAN

CHAPTER 85

AN ACT respecting the Regulation and Control of Frozen Food Locker Plants and the Licensing of Operators thereof.

[Assented to April 4, 1946.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short Title

Short title.

1. This Act may be cited as *The Frozen Food Locker Act, 1946.*

Interpretation

Interpretation.

2. In this Act the expression:

"Board."

1. "board" means the licensing board appointed by the Lieutenant Governor in Council under the provisions of this Act;

"Carry on the business of a frozen food plant."

2. "carry on the business of a frozen food plant" includes carrying on the same as a separate business or in conjunction with or as a part of any other business or businesses;

"Food."

3. "food" includes every article used by man or animal for food, drink, confectionery, or condiment, or which enters into the composition of the same, whether simple, blended, mixed or compound;

"Frozen food locker plant."

4. "frozen food locker plant" means an establishment in which space by means of individual lockers or otherwise is rented or otherwise made available to persons for storage of frozen food but does not include one used exclusively as an adjunct of a fur farm, by the owner or proprietor thereof;

"Inspector."

5. "inspector" means an inspector in the Department of Agriculture;

"Minister."

6. "minister" means the Minister of Agriculture;

"Sharp freeze."

7. "sharp freeze" means freezing on plates or in cabinets especially designed for quick freezing.

Licences*Licence required.*

3. After ninety days from the coming into force of this Act, no person shall carry on in the province the business of a frozen food locker plant unless such person is the holder of a subsisting licence issued pursuant to this Act, authorizing such persons to carry on such business, or shall any person who is the holder of a licence carry on such business at any place other than the place specified in the licence.

Application for licence.

4. Every application for a licence shall be made in writing to the minister and shall be accompanied by such particulars as the board may from time to time require and by the fee payable for the licence.

Inquiry and recommendation by board.

5. (1) There shall be a board consisting of three or more members to be appointed by the Lieutenant Governor in Council and to which the minister shall submit all applications received by him for licences to operate or carry on the business of a frozen food locker plant. This subsection shall not apply to applications for renewal of licences.

(2) Upon the receipt of an application, the board shall inquire as to the necessity for the proposed frozen food locker plant, having regard to the demand for the service, whether the volume of business expected will be sufficient to provide an efficient service and the requirements of the district concerned as a whole for one or more frozen food locker plants, together with such other factors as may affect the development of frozen food locker plant services and shall make such recommendations to the minister as it deems expedient; and the minister may issue any licence, the issue of which is recommended by the board.

(3) The members of the board shall receive such remuneration as the Lieutenant Governor in Council may determine.

Transfer of licence.

6. No licence shall be transferable except with the approval of the minister.

Renewal of licence.

7. Every licence shall expire on the thirty-first day of December following the date of issue but may be renewed from year to year with the approval of the minister.

Suspension and cancellation of licence.

8. If in the opinion of the minister any of the provisions of this Act or the regulations have been contravened by a licensee or his servants, employees or agents or any of them, the minister may suspend, revoke or cancel the licence of such licensee.

Municipal licences.

9. No licence shall be issued by any city, town, village or rural municipality for the carrying on of the business of a frozen food locker plant unless the applicant is the holder of a subsisting licence issued pursuant to this Act in respect of that business.

Approval of site, etc.

10. No person shall for the purpose of carrying on the business of a frozen food locker plant erect a building or establish a plant in any building already erected in the province unless the site therefor and the plans and specifications thereof have first been approved by the minister.

Regulations.

11. The Lieutenant Governor in Council may make regulations with respect to the following matters:

- (a) the locality of the plant;
- (b) minimum building dimensions and construction;
- (c) type, amount and standard of equipment;
- (d) methods respecting preparation, wrapping, marking, stamping, tagging and sharp freezing of food parcels intended for storage;
- (e) classification of plants;
- (f) the kinds of food products that may be kept in storage and the period of storage;
- (g) the sanitary standards of frozen food locker plants and of any slaughter house used in connection therewith;
- (h) the inspection of frozen food locker plants and any slaughter house used in connection therewith.
- (i) standard refrigeration temperatures for chill room, sharp freeze room and locker room;
- (j) standards of qualifications for operators and managers of frozen food locker plants;
- (k) prescribing the conditions subject to which any licence is issued and prescribing the fees payable in respect thereof;
- (l) prescribing the conditions under which the buildings, other premises, equipment, and commodities stored there, shall be insured against fire and other hazards;
- (m) generally all such matters as the minister may consider necessary for the proper regulation and control of frozen food locker plants.

General*Information to be furnished.*

12. Every person carrying on the business of a frozen food locker plant shall furnish to the minister such information concerning the plant and its operation in such form and at such times as the minister may require.

Powers of inspectors.

13. (1) An inspector shall, for the purpose of preventing or detecting a violation of any of the provisions of this Act or the regulations, have the right, at any time during business hours and from time to time without warrant, to enter into any and every part of any place used as a frozen food locker plant, other than a dwelling house, and examine and make copies of all documents, books and records therein, and make searches in every part thereof and of the equipment and premises connected therewith, and inspect the food stored therein, as he may think necessary for such purpose.

(2) Upon information on oath by an inspector that he has reasonable grounds for believing that it is necessary to enter a dwelling house for the purpose of enforcing any of the provisions of this Act or the regulations, any justice of the peace may, by warrant under his hand, authorize and empower the inspector to enter and search the dwelling house and every part thereof.

(3) No person being in or having charge of any such place or premises shall refuse or fail to admit an inspector demanding to enter pursuant to this section in the execution of his duty, and no person shall obstruct or attempt to obstruct an inspector in the exercising of any of the powers hereby granted.

Offences and penalties.

14. Any person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and liable on summary conviction to a fine of not less than \$10 nor more than \$200 and in default of payment to imprisonment for a term of not more than ninety days.

THE LIVE STOCK DISEASES ACT—ALBERTA

(Being chapter 10 of the Statutes of Alberta, 1946 with amendments up to and including 1950.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Short Title

Short title.

1. This Act may be cited as "*The Live Stock Diseases Act*."

[1946, c. 10, s. 1.]

Interpretation

Interpretation:

2. In this Act and in any regulations made hereunder, unless the context otherwise requires,—

"Brucellosis."

- (a) "Brucellosis" means the infectious disease of cattle caused by the bacteria *Brucella Abortus*, commonly known as Bang's disease, irrespective of the occurrence or absence of an abortion;

"Cattle."

- (aa) "cattle" includes any member of the bovine species;

"Infectious disease."

- (aaa) "infectious disease" means a disease that is communicable in any manner;

"Inspector."

- (b) "inspector" means any inspector or other officer or person appointed or authorized by the Minister to perform any duty under this Act or under any regulation;

"Live stock."

- (c) "live stock" means all domestic and captive animals, and birds kept for pleasure or for propagation, gain or profit, and all products therefrom;

"Minister."

- (d) "Minister" means the Minister of Agriculture;

"Premises."

- (e) "premises" means any place where live stock are ordinarily kept, and includes farms, stockyards, live stock depots, exhibition and show barns, trucks or other conveyances for transporting animals for any purpose and any place where animals may be found;

"Reacting cattle."

- (ee) "reacting cattle" means any cattle showing a positive reaction to the agglutination test, or any other recognized test for Brucellosis;

"Regulation."

- (f) "regulation" means a regulation made under the authority of this Act;

"Restricted area."

- (g) "restricted area" means a Brucellosis restricted area established by the Lieutenant Governor in Council pursuant to this Act for the eradication of Brucellosis;

"Vaccinated cattle."

- (h) "vaccinated cattle" means any cattle vaccinated with Brucella Abortus Strain 19 vaccine, between the ages of four and eight months, and covered by a vaccination certificate or tatoo.

Regulations.

3. (1) The Lieutenant Governor in Council may make regulations in respect of the following matters:

Inspection of premises.

- (a) the inspection of premises where live stock are kept;

Manner of transportation, etc.

- (b) the manner in and conditions under which live stock are held, transported, processed and otherwise handled;

Controlling of disease.

- (c) the procedure to be followed in controlling or eradicating any disease which is not being controlled or eradicated;

Tests to be taken.

- (cc) the tests to be taken and the conditions to be complied with before cattle may be moved into or out of any restricted area established pursuant to the provisions of this Act;

Testing vaccination and quarantine of cattle in restricted area.

- (ccc) the testing, vaccination, grazing, feeding, isolation and segregation of cattle within any restricted area, and the establishment of isolation or quarantine areas within any restricted area, and the requiring of reports to the Minister relating to tests, vaccinations, quarantines and other measures for the control of Brucellosis;

Slaughter and sale of reacting cattle.

- (cccc) the slaughter and sale of reacting cattle and the requiring of permits for any such slaughter or sale;

Isolation of animals suspected of being diseased.

- (d) the isolation and segregation of animals suspected of suffering with an infectious disease, or which have come in contact with animals affected, or suspected of being affected with such, and for the prevention of the spread of infectious diseases generally;

Destruction of diseased animal.

- (e) the destruction of any diseased animal or animal suffering from an infection;

General.

- (f) generally for carrying into effect the provisions of this Act.

Regulations to be published in Gazette.

- (2) Any regulations made pursuant to subsection (1) shall be published in *The Alberta Gazette*, and shall take effect upon publication or upon such later date as may be fixed in the order of the Lieutenant Governor in Council.

Application of regulations.

(3) Any regulations made pursuant to subsection (1) may be limited in their application to any specified area or areas of the Province, but in the absence of any such limitation shall be applicable throughout the Province. [1946, c. 10, s. 3; 1947, c. 39, s. 1; 1949, c. 60, s. 2.]

Petition for establishment of restricted area.

3a. (1) A petition signed by two-thirds of the owners of cattle in any municipal district or improvement district may be presented to the Minister requesting the establishment of that municipal district or improvement district as a restricted area for the eradication of Brucellosis.

(2) The petition shall be signed by the reeve and the secretary of the municipal district, or in the case of an improvement district, by the Minister or Deputy Minister of Municipal Affairs.

(3) Any such petition shall contain the following:

- (a) the name and number of the municipal district or improvement district which will constitute the proposed restricted area;
- (b) the approximate number of cattle within it;
- (c) the name of each owner of cattle within the proposed restricted area;
- (d) a declaration that two-thirds of the owners of cattle within the proposed restricted area are in favour of having their cattle tested for the purpose of eradicating Brucellosis from their herds;
- (e) the name of the veterinary inspector or inspectors who will act within the proposed restricted area.

(4) The Minister, upon receipt of a petition may, in his discretion, recommend to the Lieutenant Governor in Council that a restricted area be established, and the Lieutenant Governor in Council may establish a restricted area in such location and with such boundaries as may be deemed proper and expedient.

(5) The provisions of this section and of any regulations relating to matters preliminary to the establishment of a restricted area shall be deemed directory only and no order in council establishing a restricted area shall be held void or voidable on account of any irregularity in respect of any matter preliminary to its passing.

Publication of Order in Council.

(6) Each order in council establishing a restricted area shall be published in *The Alberta Gazette*, and in at least two issues of a newspaper circulating in the restricted area, and the provisions of this Act and the regulations shall apply to such area as a restricted area from the date of the publication of the order in *The Alberta Gazette*. [1949, c. 60, s. 3.]

Agricultural Service Board to administer Act in restricted area.

3b. (1) The Agricultural Service Board constituted pursuant to *The Agricultural Service Board Act* in any municipal district or improvement district in which a restricted area is established, shall administer this Act and the regulations in the restricted area.

Payment of expenses of administration of restricted area.

(2) The council of each municipal district, or the Minister of Municipal Affairs in the case of an improvement district, is hereby empowered to pay out of the funds of the municipal district or improvement district to the Agricultural Service Board administering any restricted area within the municipal district or the improvement district, as the case may be, such moneys as the council of the municipal district or the Minister of Municipal Affairs deems necessary in connection with the expense of administration of the restricted area, subject to the provisions of section 200a of *The Municipal District Act* in the case of a municipal district.

Grants to Agricultural Service Boards.

(3) The Minister of Agriculture from time to time may make grants out of moneys appropriated by the Legislative Assembly for the purpose to any Agricultural Service Board administering any restricted area for the purpose of assisting in the eradication of Brucellosis. [1949, c. 60, s. 3.]

3c. All cattle within a restricted area shall be tested for Brucellosis. [1949, c. 60, s. 3.]

Inspection of premises.

3d. (1) Any inspector may enter any premises within the restricted area where cattle are kept, or have been kept, or where the inspector suspects that infected cattle, or cattle suspected by the inspector of being infected with Brucellosis are or have been kept, for the purpose of inspecting such premises and may take such specimens as he may deem necessary for the purpose of ascertaining the existence of Brucellosis.

Quarantine and restrictions as to removal of hay, straw, litter, etc.

(2) Any inspector may by order quarantine any premises within the restricted area where cattle are kept and may prevent the removal of all hay, straw, litter, or other articles likely to propagate infection until such time as an investigation has been made for the purpose of ascertaining the existence of Brucellosis.

Permanent marking of Brucellosis infected cattle.

(3) Any inspector, when satisfied of the existence of Brucellosis, shall order the quarantine of all reacting cattle on the premises and the permanent marking of such cattle for future identification. [1949, c. 60, s. 3.]

3e. (1) All reacting cattle which have not been vaccinated shall be permanently marked by a "B" branded on the right jaw.

(2) Vaccinated cattle in a negative herd shall not be permanently marked unless they show a positive reaction to the agglutination test after thirty-six months of age.

(3) Vaccinated cattle in an infected herd shall be permanently marked if they show a positive reaction to the agglutination test after thirty months of age. [1949, c. 60, s. 3.]

Order to cleanse and disinfect premises.

3f. (1) Upon receipt of a report from an inspector or from an Agricultural Service Board administering a restricted area that Brucellosis exists on any premises within the restricted area, the Minister in his discretion may order the owner or occupier of the premises or the Agricultural Service Board administering the restricted area to take any action necessary for the purpose of cleansing and disinfecting such premises, and may order that the cost of the action ordered to be taken shall be borne by the owner or occupier of the premises.

Recovery of costs.

(2) The Agricultural Service Board administering the restricted area may recover the cost of any action taken upon the order of the Minister from the owner or occupier designated in the order of the Minister by action as if the same were a debt owing to the Agricultural Service Board. [1949, c. 60, s. 3.]

Quarantined cattle.

3g. (1) Any cattle or other property subject to an order of quarantine under the provisions of this Act shall at all times be at the risk and expense of the owner or person under whose control such cattle or other property were at the time of quarantine or detention.

(2) The inspector quarantining or detaining such cattle or other property shall immediately after the quarantine or detention notify in writing the owner or person under whose control they were at the time of quarantine or detention by telegram, registered letter, or otherwise, of the quarantine or detention. [1949, c. 60, s. 3.]

Prohibition of actions against officials.

3b. No action shall lie against the Minister or against any member of an Agricultural Services Board administering a restricted area or against an inspector or other person for any act done or performed in good faith and purporting to have been done or performed under the provisions of this Act or the regulations. [1949, c. 60, s. 3.]

3c. No person shall sell milk for human consumption from any reacting cattle or quarantined cattle unless the milk is properly pasteurized. [1949, c. 60, s. 3.]

Inspectors.

4. With the approval of the Lieutenant Governor in Council, and subject to the provisions of *The Public Service Efficiency Act*, the Minister may appoint qualified inspectors for the purpose of carrying into effect the provisions of this Act and shall prescribe their duties and fix their remuneration. [1946, c. 10, s. 4.]

Access to premises.

5. Every inspector appointed hereunder shall have full right of access to any premises for the purpose of carrying out any duties or powers imposed or conferred upon him by any provision of this Act or of the regulations made hereunder. [1946, c. 10, s. 5.]

Authority of Minister may be delegated to Provincial Veterinarian.

6. When in this Act or the regulations made hereunder anything is permitted or directed to be done by the Minister, he may in his discretion from time to time direct that it be done on his behalf by the Provincial Veterinarian or by an inspector. [1946, c. 10, s. 6.]

Offences and penalties.

7. Any person violating any of the provisions of this Act, or any orders or regulations made hereunder, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding five hundred dollars, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment. [1946, c. 10, s. 7.]

[7a. (1) deleted 1949, c. 60, s. 4.]

Rescinding of sale of cattle infected with Brucellosis.

(2) Where any person purchases female cattle for breeding or milk production purposes and discovers within ten days after delivery of any such animal to him that she is infected with Brucellosis according to a test recognized by the Department of Agriculture, he may rescind the sale or contract with respect to such infected cattle by notice in writing given to the vendor within fourteen days after such discovery, and shall thereupon be entitled to recover the purchase price of such portion thereof as has been paid to the vendor or his agent, and shall be under no further liability to the vendor under or with respect to the said sale or contract.

Non-application of section to certain heifers.

(3) This section shall not apply to heifers under the age of eighteen months which have been vaccinated against Brucellosis by a registered veterinary surgeon. [1947, c. 39, s. 2.]

Duty to advise purchaser of infected animal.

7b. No person shall knowingly sell or offer for sale an animal infected with Brucellosis without first advising the purchaser or his agent or the proposed purchaser or his agent of the fact that the animal is so infected. [1947, c. 39, s. 2.]

Refusing entry to inspector an offence.

8. Any person refusing to allow any inspector to enter any premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars, or to imprisonment for any term not exceeding one month, or to both fine and imprisonment. [1946, c. 10, s. 8.]

Construction of Act.

9. The provisions of this Act shall not be so construed as to authorize the doing of any act or thing which is not within the legislative competence of the Legislature. [1946, c. 10, s. 9.]

GOVERNMENT OF THE PROVINCE OF ALBERTA
THE LIVE STOCK DISEASES ACT

REGULATIONS APPROVED

Edmonton, Tuesday, April 25, 1950.

His Honour the Lieutenant Governor, by and with the advice of the Executive Council, has been pleased to order (pursuant to the provisions of The Live Stock Diseases Act, 1946, that the attached regulations for Brucellosis-restricted areas be and are hereby made and established.

R. A. ANDISON,

(O.C.-437-50)

Clerk of the Executive Council.

Regulations for Brucellosis-Restricted Areas

Under The Live Stock Diseases Act being Chapter 60
of the Statutes of Alberta, 1949

The following regulations shall apply in Brucellosis-Restricted Areas:

1. All calves between the ages of 4-8 months must be vaccinated with a *Brucella abortus* Strain 19 vaccine which will be supplied under the Alberta Department of Agriculture calfhood-vaccination policy. Vaccination of male calves to be optional.

2. All cattle within the area shall be submitted to a Bovine Brucellosis test as soon as practical by inspectors approved by the Minister of Agriculture and shall be re-tested whenever deemed necessary by the Minister.

3. Cattle may be moved in or out of the said area only on the following conditions:

(a) Cattle from a fully Brucellosis-Free Listed herd may enter the area without testing, if accompanied by a Certificate from an authorized inspector.

(b) Other cattle intended to remain within the area shall be subjected to a Brucellosis test by a registered veterinarian before admittance to the area and, upon admittance, shall be isolated from other cattle and must pass a negative re-test after the expiration of 60 days before being released from isolation.

(c) To enter the area for exhibition purposes or other temporary stay not covered by subsections (a) and (b), cattle must be proven to be negative to a Brucellosis test applied by a registered veterinarian within 30 days prior to the date of entry and must be accompanied by a Certificate from the veterinarian to that effect.

(d) Steers and heifers of feeder type may be admitted into the area without test under the following conditions:

(1) The owner must make application to the Agricultural Service Board for entry of such animals into the area.

(2) Such animals must be satisfactorily marked for identification by ear-tags or other means.

(3) Such animals must be isolated from all other cattle until slaughtered or removed from the area.

- (4) Removals of such animals by slaughter or transfer to points outside the area must be reported to the Agricultural Service Board as they occur.
- (e) Cattle for immediate slaughter may enter the area without test, provided a permit for such entry has first been obtained from the Agricultural Service Board. Such cattle shall not be allowed to come in contact with other cattle and shall be kept in isolation on the premises until slaughtered.
 - (f) Cattle in transit across the area by rail, motor or other vehicle, shall not be unloaded except at a point designated for that purpose where they may be kept from contact with other cattle within the area.
 - (g) The feeding of animals within a restricted area on by-products of cheese factories, skimming stations and butter factories is prohibited, unless the said by-products have first been sterilized by heat.
 - (h) No reactors shall be sold except for slaughter or into known infected herds.
 - (i) The provisions under regulations 3 shall be deferred until such time as the testing of cattle for Brucellosis on an area basis is started upon the decision of the Minister. The time of said testing to be determined as provided for under section 2 of the regulations.
4. Each owner of cattle within the area will be required to assist inspectors making the test by assembling his cattle when requested and giving such additional help as may be reasonably expected. Owners, when requested, must furnish meals and bed for the Inspector while conducting the test or vaccinating.
5. According to 3(e) of The Live Stock Diseases Act, chapter 60, 1949, all reacting cattle which have not been vaccinated shall be permanently marked by a "B" branded on the right jaw. Vaccinated cattle in a negative herd shall not be permanently marked unless they show a positive reaction after 36 months of age. In an infected herd, vaccinated cattle shall be branded if positive to the blood test after 30 months of age.
6. According to 3(i) of the said Act, no person shall sell milk for human consumption from any reacting cattle or infected premises unless the milk is properly pasteurized.
7. Only vaccinated cattle, or cattle negative to the test within 30 days prior to entrance, will be allowed to graze in community pastures.
8. All cattle offered for sale at an auction sale within the said area must pass a negative test for Brucellosis within thirty days prior to the date of the said sale. Vaccinates to be exempted according to interpretation of regulation 5.
9. A report of all blood tests, shipments, additions, vaccinations, etc., must be forwarded to the Director of Veterinary Services at the end of each month by the Municipal District concerned.

(Extract from *The Alberta Gazette* of May 15, 1950.)

THE POULTRY AND POULTRY PRODUCTS ACT—
BRITISH COLUMBIA

CHAPTER 258

AN ACT respecting Poultry and Poultry Products.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "*Poultry and Poultry Products Act.*" 1940, c. 40, s. 1.

Interpretation.

2. In this Act, unless the context otherwise requires:—

"Department" means the Department of Agriculture:

"Grade" means the classification of any poultry product according to the prescribed standards; and "to grade" and "grading" have a corresponding meaning:

"Inspector" means any person appointed or authorized by the Lieutenant-Governor in Council pursuant to section 3:

"Minister" means the Minister of Agriculture:

"Poultry" means domestic fowl, guinea-fowl, and pigeons:

"Poultry product" includes eggs, dressed poultry, and live poultry:

"Shipping" means any overt act of any person leading to or involving the movement, by common carrier or other means of public conveyance, of any poultry product from a point in the Province to a point in the Province; and "to ship" and "shipment" have a corresponding meaning:

"Standards" means those rules, tests, measures, or specifications by which the quality or grade of a product is determined:

"Transporting" means any overt act of any person leading to or involving the movement, otherwise than by shipping, of any poultry product from a point in the Province to a point in the Province; and "to transport" and "transportation" have a corresponding meaning. 1940, c. 40, s. 2.

Appointment of Inspectors.

3. The Lieutenant-Governor in Council may appoint such Inspectors as are necessary for carrying out the provisions of this Act and may authorize any officer or Inspector of the Department of Agriculture of the Dominion to be an ex-officio Inspector under this Act. 1940, c. 40, s. 3.

Regulations.

4. The Lieutenant-Governor in Council may, with respect to any poultry product produced or sold within the Province, make regulations:—

(a) Prescribing standards of quality and grades:

(b) Regulating inspection, grading, packing, labelling, branding, and marking:

(c) Prescribing types, sizes, and specifications of packages, packing material, and methods of packing:

(d) Regulating shipment, transportation, purchase, and sale:

(e) Prescribing the manner in which the seller or shipper of any ungraded poultry product shall identify, for purposes of grading, individual producers' lots in any sale or shipment:

(f) Prescribing the manner in which a receiver of any poultry product shall make returns and prepare for presentation to the seller or shipper the statements of account of purchase of such poultry product, and prescribing measures for the investigation of such statements and the transactions represented thereby:

- (g) Requiring any person or class of persons engaged in the shipment, transportation, purchase, or sale of any poultry product to procure a licence from the Department, and prescribing the terms and conditions upon which such licences shall be granted:
- (h) Regulating the advertising of any poultry product for which a grade has been prescribed:
- (i) With respect to any other matter deemed necessary for the efficient enforcement of this Act:
- (j) Prescribing fees for grading and inspection services:
- (k) Prescribing the places or areas and times where and when any regulation made under the provisions of this section shall be in force:
- (l) Prescribing measures respecting sanitation in, on, or about premises in which any poultry product is kept:
- (m) Providing for the issuance, renewal, or cancellation of licences:
- (n) Prescribing records to be kept and reports to be made to the Department by persons processing, grading, shipping, or transporting any poultry product. 1940, c. 40, s. 4.

Power to cancel and suspend licences.

5. The Minister may, with the approval of the Lieutenant-Governor in Council, cancel or suspend any licence for violation of any provision of the Act or regulations. 1940, c. 40, s. 5.

Poultry products to be made available for inspection.

6. Every person engaged in the shipment, transportation, purchase, or sale of any poultry product shall make all poultry products in his possession or under his control available for inspection and grading as required by the regulations. 1940, c. 40, s. 5.

Powers of Inspectors.

7. Any Inspector may, for the purpose of enforcing the provisions of this Act and regulations thereunder:—

- (a) Enter any place, premises, vessel, or vehicle containing or believed to contain any poultry product for the purpose of inspecting such product, premises, vessel, or vehicle:
- (b) Require the production for inspection of all books, records, or other documents pertaining to any poultry product or the disposition thereof:
- (c) Take samples of any poultry product:
- (d) Delay the shipment of any poultry product for the time necessary to complete his inspection thereof:
- (e) Seize and place under detention, in the manner authorized by the regulations, any poultry product that has been manufactured, packed, branded, labelled, marked, shipped or transported, or imported in violation of this Act or regulations made thereunder:
- (f) Refuse to inspect or mark or give any certificate respecting any poultry product found in any place, premises, vessel, or vehicle deemed by him to be insanitary or unsuitable for inspection purposes.
- (g) Require the return, at the expense of the owner thereof, to the place from which it was moved, of any poultry product that has been seized or detained. 1940, c. 40, s. 7.

Inspection certificate prima facie evidence.

8. (1) Any inspection certificate purporting to be signed by an Inspector or other official in the performance of his duties under this Act shall be *prima facie* evidence of the facts stated in such certificate.

Certificate of appointment of official prima facie evidence.

(2) The production by an Inspector or other official of a certificate of his appointment or authority purporting to be signed by the Minister shall be *prima*

facie evidence of the facts stated therein and conclusive as to the authority of the Inspector or official. 1940, c. 40, s. 8.

Disposal of seized poultry product.

9. (1) Any poultry product seized for contravention of any provision of this Act or regulations thereunder shall be disposed of as the Minister directs.

(2) Any poultry product detained, seized, or disposed of under the provisions of this Act or regulations thereunder shall be at the risk and expense of the owner thereof; and the Inspector shall immediately notify the owner or his agent by prepaid telegram, letter, or other method that such poultry product has been seized, detained, or disposed of as the case may be. 1940, c. 40, s. 9.

Misbranded poultry product.

10. Any poultry product shall be deemed to be misbranded:—

- (a) If it is below the standard or grade signified by any standard, grade, or designated mark applied to or used on it;
- (b) If it is contained in a package from which all grade, brand, inspection, or standard of quality marks applicable to previous contents of such package have not been completely removed, erased, or obliterated;
- (c) If it, or any package, label, or document purporting to apply to it, bears any statement, design, or device that is false or misleading in any particular. 1940, c. 40, s. 10.

Offences under Act and penalties.

11. Any person who:—

- (a) Obstructs or interferes with any Inspector or official, or declines reasonably to facilitate the carrying-out of his inspection or the performance of his duties; or
- (b) Uses or imitates any registered or identification number, mark, brand, stencil, or label assigned or belonging to any other person or any package bearing the same; or
- (c) Except as permitted in the regulations, changes, alters, effaces, or obliterates, or causes to be changed, altered, effaced, or obliterated, any wrapper, label, or mark of any kind on any package or poultry product that has been inspected or graded; or
- (d) Falsely exchanges or substitutes the package or packages of any inspected or graded poultry product; or
- (e) After his licence has been suspended or revoked, ships or transports any poultry product of a kind or class formerly dealt in by him under such licence; or
- (f) Moves or causes or allows to be moved any poultry product that has been seized or detained by an Inspector under this Act without having first been authorized so to do by an Inspector;

shall be guilty of an offence and liable, upon summary conviction, in the case of a first offence to a fine of not less than one hundred dollars, and in the case of a subsequent offence to either a fine of not less than three hundred dollars or imprisonment for a term of not less than three months and not more than six months, with or without hard labour, or to both fine and imprisonment. 1940, c. 40, s. 11.

Further offences and penalties.

12. Any person who:—

- (a) Misbrands any poultry product; or
- (b) Ships or transports any poultry product that has not been inspected, graded, packed, labelled, and marked with a true description thereof in accordance with the regulations; or
- (c) Except as may be otherwise permitted in the regulations, ships or transports any poultry product that is below the minimum grade for such product; or

- (d) Falsely represents the origin, date of manufacture, quantity, quality, grade, or class of any poultry product by any untrue, deceptive, or misleading advertisement, handbill, poster, or statement; or
- (e) Sells, offers, or has in possession for sale for human consumption any poultry product that is below the minimum grade prescribed by the regulations for such product; or
- (f) Violates any provision of this Act or any regulation thereunder;

shall be guilty of an offence and liable, upon summary conviction, in the case of a first offence to a fine of not less than twenty-five dollars, and in the case of a subsequent offence to a fine of not less than fifty dollars or to imprisonment for a term of not less than one month and not exceeding three months, with or without hard labour, or to both fine and imprisonment. 1940, c. 40, s. 12.

Act in addition to "Eggs Marks Act."

13. The provisions of this Act are in addition to the provisions of the "Eggs Marks Act." 1940, c. 40, s. 13.

PROVINCE OF BRITISH COLUMBIA

"Poultry and Poultry Products Act"

REGULATIONS RESPECTING THE GRADING AND MARKING OF DRESSED AND EVisCERATED POULTRY

"Poultry and Poultry Products Act"

Notice is hereby given that by Order in Council No. 1568, approved the 10th day of July, 1948, His Honour the Administrator in Council has been pleased to approve the following regulations made by the Minister of Agriculture pursuant to the provisions of the "Poultry and Poultry Products Act," being chapter 40 of the Statutes of British Columbia, 1940:—

Regulations Respecting the Grading and Marking of Dressed and Eviscerated Poultry

Interpretation

1. (a) In these regulations, unless the context otherwise requires, "Act" means the "Poultry and Poultry Products Act", chapter 40 of the Statutes of British Columbia, 1940.

(b) "Consumer" means a person who receives or purchases poultry solely for the use of himself or his family.

(c) "Crooked breast-bone" means a breast-bone that interferes with the amount and arrangement of the meat.

(d) "Canadian Standards for Dressed and Eviscerated Poultry" means the kinds, subkinds, and grades of dressed and eviscerated poultry named and defined in these regulations.

(e) "Dressed poultry" means poultry from which blood and feathers have been removed, but does not include eviscerated poultry.

(f) "Eviscerated poultry" means dressed poultry from which the head, the legs at the hock joints, and all entrails and internal organs have been completely removed.

(g) "Grade" means to mark a bird, in accordance with these regulations, with the grade name established for such bird by these regulations, and "graded" and "grading" have corresponding meanings.

(h) "Minister" means the Minister of Agriculture of the Province of British Columbia.

(i) "Pin-feather" means a miniature feather so protruding through the skin that it can be extracted.

(j) "Producer" means a farmer who ships, transports, or sells as dressed poultry or eviscerated poultry only poultry raised on his own farm.

(k) "Inspector" means an inspector appointed under the provisions of the Act.

Application of Regulations

2. (a) The provisions of these regulations shall apply to the Cities of Victoria, Vancouver, New Westminster, Duncan, and Nanaimo, and to the Municipalities of Oak Bay, Esquimalt, Saanich, Burnaby, North Vancouver, and West Vancouver.

(b) The provisions of these regulations shall not apply to a producer who sells, transports, or delivers direct to a consumer dressed poultry produced on his own farm.

Dressing

3. For the purpose of these regulations, poultry shall be dressed as follows: They shall be starved for sufficient length of time before being killed to empty crops, during which time they should have access to clean drinking water; they shall be properly bled so that no blood remains in the extremities, and shall be dry, wet, or wax plucked, with all feathers and hairs removed, except that, if so desired, a few feathers may be left around the head; they shall have their feet and toes clean and vents flushed; all blood shall be removed from the mouth and they shall have their crops empty; they shall be removed from the killing to the cooling room as soon as practicable after dressing; they shall have their heads wrapped; birds showing feed in the crop or crop discoloration shall have the crop removed, preferably through the back of the neck, but if the crop is not neatly removed the bird shall be lowered at least one grade.

Canadian Standards for Dressed and Eviscerated Poultry

4. The grades established by these regulations shall be known as "Canadian Standards for Dressed and Eviscerated Poultry."

5. The kinds, sub-kinds, and grades for dressed poultry and eviscerated poultry shall be as follows:—

Kinds.	Sub-kinds.
Chickens.....	Squab Broilers, Broilers, Fryers, Roasters, Poulards, Capons, Stags.
Fowl.....	Hens, Roosters.
Turkeys.....	Young Turkey Hens, Young Turkey Toms, Old Turkey Hens, Old Turkey Toms.
Ducks.....	Ducklings, Old Ducks.
Geese	Goslings, Old Geese.
Pigeons.....	Squab Pigeons, Pigeons.
Guineas.....	Guinea-chickens, Guinea-fowl.

Kinds and Sub-kinds

The kinds of poultry shall include both sexes, but shall make no distinction between the breeds.

Squab Broilers, Broilers, Fryers, Roasters, Poulards, Capons, Ducklings, Goslings, Young Turkeys, Guinea-chickens, and Stags are young birds with soft flexible cartilage at the posterior end of the breast-bone or keel. They are birds that are prepared for market and killed at or before maturity and before they are used for breeding purposes.

Squab Broilers are young chickens weighing not more than 19 lb. to the dozen.

Broilers are young chickens weighing not more than 30 lb. to the dozen.

Fryers are chickens weighing over 30 to 42 lb. to the dozen.

Roasters are chickens weighing over 43 lb. to the dozen.

Capons are unsexed male chickens.

Poulards are unsexed female chickens.

Stags are male chickens showing hard spurs and general characteristics approaching the stage of maturity.

Squab Pigeons are young pigeons that have never flown.

Hens, Roosters, Ducks, Geese, Old Turkey Toms, Old Turkey Hens, and Guinea-fowl are mature birds that have no soft, flexible cartilage at the posterior end of the breast-bone or keel.

Grades

6. (a) In grading poultry under these regulations the following factors shall be considered: Condition, conformation, flesh, fat, and dressing.

(b) To qualify for any grade under these regulations, poultry shall have all plumage feathers plucked from the body, wings, hocks and the neck to within 1 inch of the head, vents flushed, feet and mouth cleaned.

Grades for Dressed Poultry

7. The following shall be the grade names under these regulations:—

Grade Special (or Grade Special Milk-fed in the case of chickens).

Grade A (or Grade A Milk-fed in the case of chickens).

Grade B.

Grade C.

Grade D.

(1) *Grade Special (or Grade Special Milk-fed in the Case of Chickens).*—To qualify for this grade, poultry shall:—

(a) Be of normal physical conformation with no deformities:

(b) Be well fleshed, in relation to length and depth of body, and in the case of turkeys the keel shall be relatively long for size of the carcass, breast flesh carried well over front of keel and well back to the posterior end of keel, the width of breast at a point 1 inch back from the anterior end of keel and two-fifths of the depth of the carcass shall be equal to 80 per cent of the length of the keel:

(c) Have breast, back, hips, and pin-bones in the case of chickens covered with fat, and in the case of other poultry well covered with fat:

(d) Have not more than five pin-feathers on the breast or more than ten elsewhere on the body:

(e) Have no prominent discoloration from any cause:

(f) Have no more than one tear on the breast, which shall be not more than one-quarter inch in length; tears elsewhere on the body of the bird shall not exceed two; and

(i) In the case of broilers and pigeons shall not be more than one-quarter inch in length:

(ii) In the case of other chickens, fowl, ducks, and guineas shall not be more than one-half inch in length; and

(iii) In the case of turkeys and geese shall not be more than three-quarters inch in length.

(2) *Grade A (or Grade A Milk-fed in the Case of Chickens).*—To qualify for this grade, poultry shall:—

(a) Be of normal physical conformation with no deformities, but may have a slightly crooked keel-bone that does not interfere with the arrangement and placement of the meat:

(b) Be relatively well fleshed in relation to length and depth of body, but may have slightly prominent keel-bones:

(c) Have the breast, back, hips, and pin-bones in the case of chickens showing fat, and in the case of other poultry reasonably well covered with fat:

- (d) Have not more than six pin-feathers on the breast or more than twelve elsewhere on the body;
- (e) Have no prominent discoloration from any cause exceeding one-half inch square on the breast or 1 inch square elsewhere on the body; and
- (f) Not have on the breast more than one tear exceeding one-quarter inch in length or more than three small tears; tears elsewhere on the body of the birds shall not exceed two in number; and
 - (i) In the case of chickens, fowl, ducks, pigeons, and guineas shall not be more than one-half inch in length; and
 - (ii) In the case of turkeys and geese shall not be more than three-quarters inch in length.
- (3) *Grade B.*—To qualify for this grade, poultry shall:—
 - (a) Be of normal physical conformation, but may have slightly crooked keel-bone;
 - (b) Be reasonably well fleshed, having insufficient flesh to meet the requirements of Grade A;
 - (c) Have sufficient fat to prevent a dark-red appearance;
 - (d) Be sufficiently well plucked that any remaining pin-feathers will not detract from the appearance of the bird;
 - (e) Have no prominent discoloration exceeding 1 square inch; and
 - (f) Not have more than two tears exceeding one-half inch in length on the breast; tears elsewhere on the body shall not exceed three in number; and
 - (i) In the case of chickens, fowl, ducks, pigeons, and guineas shall not be more than one-half inch in length; and
 - (ii) In the case of turkeys and geese shall not be more than 1 inch in length.
- (4) *Grade C.*—To qualify for this grade, poultry shall be fairly well fleshed and not badly discoloured from any cause, shall not have tears exceeding 4 inches in length or pin-feathers that seriously detract from the appearance of the bird.
- (5) *Grade D.*—Shall include all birds that do not qualify for any of the higher grades, but which are fit for human consumption.

Detention

8. (1) An Inspector may place under detention any dressed or eviscerated poultry that has been graded, packed, marked, shipped, transported, or imported in violation of the provisions of the Act or these regulations.

(2) The Inspector shall attach to one box or bird in any lot placed under detention a numbered detention-tag bearing the words "Under Detention—Department of Agriculture," together with a brief description of such lot, the date, and the Inspector's signature.

(3) Immediately after placing any dressed poultry under detention, the Inspector shall deliver or mail to the owner of the dressed or eviscerated poultry or his agent a duly completed form of "Notice of Detention"; if such dressed or eviscerated poultry is in premises other than those of the owner, a copy of the "Notice of Detention" shall be given to the person in whose premises the poultry is located.

(4) The Inspector shall designate in the "Notice of Detention" the premises to which any poultry detained hereunder shall be taken.

(5) When an Inspector is satisfied that any dressed or eviscerated poultry detained hereunder complies with these regulations, he may issue a duly completed form of "Notice of Release"; one copy of such "Notice of Release" shall be delivered to the owner or his representative and one copy to the person in possession of the dressed poultry.

(6) Detention-tags shall not be removed from any poultry by anyone other than an Inspector.

General

9. (1) Except where dressed or eviscerated poultry is sold and delivered direct to a consumer by a producer otherwise than in or through a retail store, all dressed or eviscerated poultry offered for sale to consumers in retail stores, public markets, or otherwise, or to hotels, restaurants, barbecues, or any person commercially engaged in serving meals, shall be marked in a manner approved by the Minister to denote the grade of the bird, the number of the registered station at which the poultry was graded as required by these regulations, together with the word "Canada."

(2) Tags or marks used to denote the grade of the bird shall be coloured purple, red, blue, or yellow-brown in the case of grades "Special" (or "Special Milk-fed"), "A" (or "'A' Milk-fed"), "B," and "C" respectively.

(3) The form, colour, lettering, place, and method of attachment of tags used in the grading of dressed poultry shall be as prescribed by the Minister.

(4) In the case of old turkeys the tag or grade mark shall bear the word "old."

(5) All dressed or eviscerated poultry in retail-store premises, public markets, hotels, restaurants, barbecues, or any places where meals are served commercially, whether or not in view of the public, shall be deemed to be kept for sale, and all markings for such birds as required by these regulations shall be clear and legible.

(6) Any advertisement pertaining to dressed or eviscerated poultry shall state the kind and grade of poultry offered for sale and, in the case of turkeys, whether they are young or old.

10. (1) No person shall either by himself or through the agency of any person sell, offer, or have in possession for sale, ship, or deliver dressed or eviscerated poultry marked, labelled, tagged, or described on the containers or otherwise with or by the name of any grade, kind, or sub-kind specified in these regulations unless the dressed or eviscerated poultry conforms in all respects to such grade, kind, or sub-kind.

(2) Any dressed or eviscerated poultry that does not conform to or is below the grade specified by any tag or mark thereon shall be deemed to be misbranded.

11. (1) No person shall publish any untrue, deceptive, or misleading advertisement in respect of dressed or eviscerated poultry offered or held for sale or distribution.

(2) Any advertisement that contrary to the fact applies either directly or indirectly to any dressed or eviscerated poultry, any grade, kind, or sub-kind set forth in these regulations, shall be deemed to be untrue, deceptive, or misleading.

12. With respect to conformation, flesh, amount of fat, and dressing (tears, pin-feathers, discoloration from bruising or improper bleeding) of any dressed or eviscerated poultry sold or delivered to a buyer, the registered station, the number of which appears on any such poultry, shall be responsible at all times.

13. With respect to condition (musty, mouldy, discoloration from putrefaction, or dried, leathery, or discoloured skin) of any fresh or frozen, dressed or eviscerated poultry sold or delivered to a buyer by the registered station, the number of which appears on any such poultry, the station shall be responsible for twenty-four hours after delivery to or defrosting thereof by the buyer, as the case may be.

14. All boxes containing poultry to which these regulations apply shall conform to the specifications for Standard Dressed Poultry Boxes as set forth by the Dominion Department of Agriculture.

15. All boxes containing poultry to which these regulations apply shall be clearly and legibly stencilled on the outside of at least one end in black, block letters and figures three-quarters of an inch in height with stems of letters

one-eighth of an inch in width and letters approximately one-half inch wide, except in the case of the word "tagged" which shall be letters of one-quarter inch in height with thin line stems so as correctly to show:—

- (a) In the left upper corner: The number of birds in the box. This mark may be omitted in the case of a box containing twelve (12) birds, the recognized pack.
- (b) In the left lower corner: "Tagged" if, and only if, all the birds in the box are wing-tagged. In this corner may also be shown the gross weight of the package under "tagged."
- (c) In the right lower corner: The net weight.
- (d) In the centre: Kind and sub-kind on the first line, the word "grade" followed by the grade designation on the second line, and where the term "milk-fed" is employed, on the third line.
- (e) In instances where the kind and subkind are partly designated by the same word, only one name need be used.
- (f) In the marking of turkey boxes both kind and sub-kind shall be shown. The sub-kind may be indicated by the first letter or letters of the sub-kind.
- (g) Stags and Roosters must be branded as such.

No person shall place on any such box any mark or design other than those required by this regulation, unless authorized by the Minister.

FRANK PUTNAM,
Minister of Agriculture.

*Department of Agriculture,
Victoria, B.C., July 12th, 1948.*

ADDENDUM - PART VI

1952 Amendments to Related

PROVINCIAL FOOD AND DRUG LEGISLATION

As stated in the Introduction, the publication of this book has been delayed in order that the new "Food, Drugs, Cosmetic and Therapeutic Devices Act", 1953, might be included. The delay thus occasioned in waiting passage of this Act made it desirable to provide information respecting any significant changes made during 1952 to the provincial legislation as it has been dealt with in Part VI.

Enquiry was therefore made of the Legislative Counsel of all of the provinces and the purpose of this Addendum is to explain the situation in each province according to the information so given.

It will be seen that a number of the provinces have enacted legislation to prohibit the sale of what are called "imitation dairy products". These, in effect, are foods that resemble or are imitations of dairy products and are manufactured in whole, or in part, from fat or oil other than that of milk. The intent, of course, of this type of legislation is to protect the dairy industry against the threat of increasing competition from products such as ice cream and butter that contain vegetable oil. Margarine is, of course, exempted from this class of legislation.

Inasmuch as one of the statutes selected as representative of dairy legislation published in Part VI is The Dairymen's Act, 1950, of Alberta, the definition of "imitation dairy product" as contained in the amendment, is set forth as representative of the kind of legislation in this regard. Also published is a "Note" explaining the amendments to the above mentioned Act in Alberta.

Newfoundland

No new legislation—1952 Statutes

Prince Edward Island

P.E.I. Potato Act—name changed to Potato Production Act by the Revised Statutes of P.E.I., 1951. Name changed on revision in order to differentiate between the three provincial Acts relating to potatoes.

Lobster Canneries Act (Chapter 39 of Statutes of 1933) was repealed on the coming into force of the Revised Statutes of P.E.I., 1951, for three reasons, namely: the Act was never used; there was a strong possibility that the Statute was ultra vires; and the 1933 Statute would appear to conflict with the Fisheries (Provincial) Act, Chapter 60 of the Revised Statutes of P.E.I., 1951.

Uniform Weight of Bread Act, Chapter 8 of the Statutes of P.E.I., 1947—This Act was never proclaimed and was repealed by the Revised Statutes of P.E.I., 1951.

Nova Scotia

Imitation Dairy Products Act—1953 Statutes of Nova Scotia, Chapter 9, prohibits manufacture, sale, keeping for sale or having in possession for sale any imitation dairy product and provides for the appointment of inspectors and confers various powers of entry and inspection. Act defines "dairy product" to mean milk, cream, butter, cheese, condensed milk, and so on, or any other product manufactured wholly or mainly from milk, and "imitation dairy product" is defined as a food substance for human consumption that resembles or is an imitation of a dairy product and is manufactured wholly or in part from any fat or oil other than that of milk; peanut butter and margarine are expressly excluded from the definition.

New Brunswick

The Oyster Fisheries Act is now Chapter 165, Revised Statutes, 1952, and is identical with the 1951 Act.

The Imitation Dairy Products Act. This will appear in the 1953 Statutes of New Brunswick when printed.

Quebec

An Act to amend the Quebec Public Health Act (15-16 George VI, 1951-1952, Chapter 46)

An Act to amend the Act to protect the dairy industry in the Province (1-2 Elizabeth II, 1952-1953, Bill 19)

No other changes in 1952.

Ontario

The Milk Control Amendment Act, 1953

The Edible Oil Products Amendment Act, 1953 (imitation dairy products)

The Farm Products Marketing Amendment Act, 1953

The Brucellosis Control Act, 1953

The Warble Fly Control Amendment Act, 1953

The Pharmacy Act, 1953

The new Pharmacy Act, 1953, of Ontario will come into force on proclamation.

For the convenience of the reader, the following changes are indicated but it should be appreciated that the text of the new Act should be consulted for detailed information:

THE PHARMACY ACT, 1953 CHANGES

Section 1—Definitions

- (d) The definition of "drug" is new. The present Act simply refers to drugs without a definition.
- (g) "pharmacy". This is new. The present Act in a somewhat round-about fashion uses many phrases relating to the retail sale of poisons and drugs as well as compounding and dispensing of prescriptions. It was intended to identify these activities by the word "pharmacy".
- (h) "poison". This is new. The present Act simply uses the word poison without definition.
- (i) "prescription". This is new, and furthermore it is significant to note that the present Act and all the previous Acts related to prescriptions of medical practitioners. The field of prescriptions has been greatly extended to include prescriptions for animals.

Section 2

The exemptions have been greatly extended. Under the present Act the exemptions are limited to the sale of proprietary or patent medicines and the substances mentioned under section 28, and of course the activities of physicians, dentists and veterinary surgeons.

Section 32

There is a new principle here. The new Act requires that the majority of shares of a corporation operating a pharmacy shall be owned by the directors.

Section 50—The Regulations

There are several new principles here. Under the new Act authority is given to make regulations in respect of the following principles, among others:

1. Prescribing types of containers.
2. Prescribing the manner in which prescriptions shall be given in respect of drugs in Schedule C or in Part II of Schedule D.
3. Authorizing merchants, other than druggists, to sell certain poisons that are in general use such as household drugs or household disinfectants.
4. Designating the drugs in Schedule C that may be sold to the owners of animals or birds and authorizing the sale by merchants other than druggists.

Manitoba

No 1952 amendments to:

The Fish Inspection Act

The Natural Products Marketing Act

The Food Products Minimum Loss Act

The Vegetable Sales Act amended in 1952

1953 Amendment to The Dairy Act relating to "imitation dairy products"

Saskatchewan

No 1952 amendments

Alberta

The Dairymen's Act, 1950, was amended in 1952 by Chapter 22 of the Statutes of Alberta, 1952. This amendment dealt only with the assessments under *The Dairymen's Act*, 1950.

In 1953, Bill 112 which will appear as Chapter 29 of the Statutes of Alberta, 1953, made extensive amendments to *The Dairymen's Act*, 1950, (Chapter 18). Particularly important are the new provisions dealing with imitation dairy products:

Section 2(hh) "imitation dairy product" means any food substance other than a dairy product, of whatever origin, source or composition that is manufactured for human consumption and for the same use as or in semblance of a dairy product and which is manufactured wholly or in part from any fat or oil, other than that of milk but does not include margarine as defined in *The Margarine Act*;

NOTE

This Bill amends *The Dairymen's Act*, 1950, being chapter 18 of the Statutes of Alberta, 1950.

Section 2 is amended for the purpose of defining "imitation dairy product" as used in the Act, the term "manufactured" as applied to butter, and the term "package".

Section 5 is struck out and a new section substituted. The new section provides authority for an inspector to weigh or take samples of dairy or other products which he believes to be imitation dairy products for testing purposes.

Section 6c is amended to add "grade, brand or marks" to those things which it is an offence to erase or efface from a dairy product or a package containing a dairy product.

Section 11a is added. It prohibits certain practices with respect to cheese and prohibits the incorporation of a foreign substance in a dairy product during or after its manufacture.

Section 27 is struck out and a new section substituted. The new subsection (1) of this section is a redraft of the previous section. Subsection (2)

prohibits a person holding a dairy manufacturing plant license from conducting a dairy operation not covered by the license.

Section 28 is amended to expressly include the power to require bonding as a condition of a license being issued.

Sections 31 and 33 are amended to have the products expressly mentioned in this section replaced by the defined term "dairy products".

Section 36a is added. This is the former subsection (2) of section 27 which relates to certain transfers of milk and cream and which was removed from section 27 on its amendment.

Section 37a is new. It provides a prohibition against the manufacture and sale of imitation dairy products which by definition does not include margarine. The manufacture or sale of an imitation dairy product is an offence.

Section 39 is amended. Subsection (1), clause (c) is amended. The effect of the amendment is to permit regulations prescribing the manner in which dairy products may be advertised. Clause (f) is also amended to have the clause refer to the defined expression "dairy product" rather than to milk and cream, and is also broadened to include renovating of a dairy product. Clause (jj) is added to prohibit the manufacture of a dairy product the composition of which has not been defined.

Section 40a which provides powers of search and seizure in respect of dairy products is extended to include the same powers in the case of imitation dairy products.

Section 40c is amended to have the manufacturer's liability the same in the case of imitation dairy products as in the case of an illegally manufactured dairy product.

Section 40f is amended to provide for forfeiture of seized imitation dairy products.

Section 40g is added and provides for certain *prima facie* presumptions and proofs in a prosecution for an offence under this Act.

Health Legislation

No changes have been made in the Regulations issued under The Public Health Act dealing with bake shops, canned meat or canned food products, food and drink, horsemeat and restaurants, although an amending Order in Council was made in March, 1952, wherein certain sections were re-numbered.

British Columbia

Oleomargarine Act (Chapter 48 of the British Columbia Statutes, 1949) amended by Chapter 9 of the British Columbia Statutes of 1952. The amendment permits the sale of coloured oleomargarine in British Columbia.

PART VII

AN ACT respecting Food, Drugs, Cosmetics and Therapeutic Devices— Chapter 38, S.C. 1953

At the conclusion of this Part, there is reproduced the text of the above mentioned Act which was enacted in April of 1953 at the 7th Session of the 21st Parliament. The purpose of this Part, therefore, is to explain the situation with respect to that Act and what it seeks to do in contrast to the Food and Drugs Act which has been discussed in Part II of this book, and which will be replaced in due course by the above mentioned statute.

For convenience in this Part, the Act which is described as an Act respecting Food, Drugs, Cosmetics and Therapeutic Devices, and which by its short title may be cited as the Food and Drugs Act, will be referred to as the 1953 Act. The Act which is presently in force and which has been the subject of discussion in Part II will, for purposes of comparison, be referred to as the 1920 Act. Section 31 of the 1953 Act provides that it shall come into force on a day to be fixed by a Proclamation of the Governor-in-Council and on so coming into force, the 1920 Act will be repealed.

At the time of writing this Part, the 1953 Act has not been brought into force and it is not anticipated that it will be brought into force until possibly the spring or early summer of 1954. This delay is in order that the Regulations which have been enacted under the 1920 Act can be examined and where necessary, revised to be brought into conformity with any changes that are made in the 1953 Act. It is, of course, pointed out that any reader who may have a problem which would be affected by the repeal of the 1920 Act and its replacement by the 1953 Act, should make specific enquiry as to whether the latter Act has been brought into force.

In referring to the present Act as the 1920 Act, it will, of course, be appreciated that it is the original Act of 1920 as from time to time amended. (See Part IV p. 296 for the consolidation of this as made in 1952.)

In the discussion of the constitutional position of the Food and Drug Laws (Chapter 2, Part I) it was pointed out that the authority of the federal government to deal with the subject must rest on its authority to enact criminal law. A federal food and drugs act to be constitutional, therefore, must truly be criminal law and not merely a colourable device to deal with the subject that would otherwise be within provincial jurisdiction.

In discussing the 1920 Act (Part II, Chapters 5 to 10) reference is made to the necessity of some overhauling and streamlining in order to bring it into line with modern requirements.

With the necessity to put its constitutional position beyond challenge, to remove certain anomalies and to give greater certainty to its interpretation, there was given an opportunity to revise the legislation in its entirety and to provide an approach to a complicated subject that would be as simple and straightforward as possible.

In considering the task it was thought useful to examine food and drug legislation of other countries and to endeavour to incorporate in the revision of the Canadian law, certain of those features which were thought to be appropriate. The Act as it has been passed, is, therefore, considered to remove the anomalies that are present or possible in the 1920 Act and to deal with the subject more realistically. It is hoped that the revision of the law as it is reflected in the 1953 Act will again provide the form and the cut of the pattern for food and drug legislation of other countries.

It was recognized that legislation of such social and economic importance as that contained in an Act respecting foods, drugs, cosmetics and therapeutic

devices could not be efficiently administered nor command the prestige and respect which it requires unless it has the support and approval of those required to observe its provisions. It was therefore decided that the legislation should, in the first instance, be introduced in the Senate of Canada in order that it might be referred to a special committee of that House and an opportunity thus given to trade associations, manufacturers and interested persons to make representations respecting it.

In June of 1952, there was accordingly introduced in the Senate of Canada, Bill E¹¹, entitled an Act respecting Food, Drugs, Cosmetics and Therapeutic Devices. Parliament, however, adjourned at the end of June, 1952, before any action could be taken with respect to this measure. When Parliament re-opened in November of 1952, the Bill which had been introduced in June was re-introduced as Bill J. This was referred to the standing Committee on Public Health and Welfare and that Committee invited representations by all persons interested in it.

The standing Committee on Public Health and Welfare met on four occasions during which representations were made by the Canadian Manufacturers' Association representing the industries concerned with food, cosmetics and therapeutic devices. The Allied Beauty Equipment Manufacturers and Jobbers Association also represented the cosmetic trade. The Canadian Pharmaceutical Manufacturers Association represented the drug industry, in addition to representations made on behalf of other interested groups. The verbatim record of the Senate Committee hearings was printed and this can be consulted in the records of the Parliamentary Library for any further detail.

On the basis of these representations, certain modifications were made to the text of the Bill which was so reported to the Senate by the standing Committee.

Bill J, on the basis of this report, and with the modifications as recommended, was given third reading in the Senate on the 16th day of December, 1952, and on the 18th day of December was introduced and given first reading in the House of Commons, when it was re-numbered as Bill No. 48. The Bill came on for second reading in the House of Commons on the 21st of April and with one amendment was given second and third reading and was thus passed in that House. The amendment in question related to the insertion of a small proviso in Section 29. Because it had been amended in the House of Commons, it was referred back to the Senate in order that the concurrence of that House might be secured to the amendment.

The amendment to Bill 48 was considered by the Senate on the 24th day of April and approved, and the Bill in the form in which it is reproduced at the conclusion of this Part, was accordingly passed as an Act respecting Food, Drugs, Cosmetics and Therapeutic Devices with its short title as the "Food and Drugs Act".

An examination of the text of the 1953 Act in comparison with the 1920 Act will show that apart from the re-arrangement of the sections and the removal of certain anomalies, it makes specific provision for a number of matters that are not dealt with in the 1920 Act.

It may be convenient to discuss, firstly, the purpose of the re-arrangement of the sections and subject matter and secondly, its provisions as regards matters which are new, either in whole or in part.

Division of Subject Matter

As is discussed at pp. 180-181, amongst the anomalies of the present Act is the arbitrary inclusion of a cosmetic and a device in the definition of a drug. It has long been recognized that cosmetics and devices are subject to almost entirely different considerations than are drugs. It would therefore be appropriate in making provision for the manufacture and sale of cosmetics and devices, to regard them for the special qualities and considerations that are inherent in them rather than to attempt to deal with them by their artificial inclusion in the definition of a drug.

It will be seen that the 1953 Act deals separately with foods, drugs, cosmetics and devices. While there are, of course, provisions that are common to each of the subjects, the separate treatment permits of individual consideration of the special requirements and characteristics as well as those which are common. Thus the word "adulteration" has application to a food and a drug but not to a cosmetic or a device. Again it will be seen that while there are prohibitions respecting manufacture of foods, drugs and cosmetics under unsanitary conditions, there is no corresponding provision in the case of devices. This difference is deliberate and is intended to have regard to an essential difference between what is required in the manufacturing processes of foods, drugs and cosmetics as opposed to devices where questions of sanitation would not be of equal concern.

A further essential difference is reflected in the provisions of the Act with respect to deception. There is identical provision made respecting deceptive claims for foods, drugs and devices but with no corresponding provision in the case of a cosmetic. This again was deliberate and is intended to give realistic recognition to the fact that cosmetic advertising is traditionally of a more exaggerated kind than would be considered proper in the case of foods, drugs or devices. It is not felt that the public is actually deceived by the glamorous and exaggerated advertising which is ordinarily associated with cosmetics and a cosmetic which does not at least promise to restore the appearance of youth or perhaps to improve on nature is the exception rather than the rule. It was accordingly felt that to deal with cosmetic advertising in the same way as would be proper in the case of a food, a drug or a therapeutic device would unduly penalize the cosmetic industry without sufficient purpose and would likely result in legislation being honoured in its breach rather than in its observance.

Treatment of Adulteration and Misbranding

The above are amongst the differences between the various classes of subject matter for which special recognition is made in the legislation. It may now be appropriate to discuss what is considered to be a more realistic approach to the purpose of the legislation than is contained in the 1920 Act.

The purpose of food and drug legislation is to protect the public from injurious or potentially injurious foods, drugs, cosmetics and devices and from fraud in their manufacture and sale. In general these purposes have been traditionally described by the words "adulteration" and "misbranding".

Adulteration

Food

In the 1920 Act adulteration of a food is dealt with differently than is adulteration of a drug.

As is mentioned on p. 162, the word "adulteration" in the dictionary usage relates to the corrupt production of an article by its depreciation or debasement for a fraudulent purpose. The definition of adulteration as it respects a food is contained in Section 4 of the 1920 Act. In addition to dealing with various things which could, but not always do, constitute adulteration in the dictionary sense, it also provides that a food which does not conform to a standard is thereby adulterated. At the time this provision was first enacted the practices in the trade may have been such as to make a departure from a standard truly an adulteration. With modern developments in food manufacturing, processing and packing, it is neither accurate nor descriptive to categorize all deviations from a legal recipe of a food as an adulteration of that food. See, pp. 39, 163-172.

In general the purpose of a departure from the "legal recipe" is not necessarily one of debasement but may rather be one for the purpose of improvement—to make a food more palatable, to give it a better or more attractive appearance, to make it stay fresh longer or to incorporate in some manner the factors which are usually synonymous with high quality. Unfortunately, the definition which is given in the 1920 Act gives no latitude where there is a deviation from a standard to distinguish between debasement and improvement. To say that a food which departs from a standard, but which may thereby be

improved, is adulterated, is a misnomer and this is quite properly resented by those who seek to improve their foods. This, moreover, gives rise to some difficulty in enforcement because courts are traditionally loathe to accept such an artificial definition and one so misdescriptive of the purpose and the consequence of the departure.

Drugs

Turning next to drugs, there is no definition of adulteration given in the 1920 Act as is done in the case of a food. It is provided that the professed standard or the standard set forth for a drug in a number of recognized authorities as listed in Section 6 constitutes the legal recipes for drugs. A drug is adulterated if it is sold as purporting to meet the professed standard or that of such recognized authority and it fails to do so. This is perhaps a realistic approach to the subject of drugs as regards potency, purity and strength. Here again, however, the word "adulterated" in its dictionary use is not always accurate or descriptive except to the extent that these qualities are involved in considering whether a departure from the standard constitutes or results in its adulteration.

For further discussion and questions arising out of adulteration of foods and drugs see Chapters 7 and 8 in Part II.

Cosmetics and Devices

To use the word "adulterated" in the case of a cosmetic is frequently absurd and to describe a device as adulterated is almost invariably so.

The 1953 Act, therefore, restricts the use of the word "adulterated" to foods and drugs and gives to it its dictionary meaning. Section 24(1)(a) also provides for Regulations declaring that a food or drug or class thereof is adulterated if any substance, that is a prescribed substance, is present therein or has been added thereto or extracted or omitted therefrom. The use of the word "adulterated", therefore, either in its dictionary usage or with a special meaning in connection with the presence, addition or extraction of a named or prescribed substance is considered to be a more natural use of the expression than the somewhat artificial and arbitrary uses that are given to it in the present legislation.

There is no violence done to the protection which the public have always enjoyed under this expression because in lieu of the arbitrary inclusion within it of a number of corrupt practices leading to the debasement or depreciation of an article, these practices are made the subject of express prohibition in the sale of a food or a drug. For example, under the 1920 Act, a food is deemed to be adulterated if it is unfit for food, and the sale of an adulterated food is, of course, prohibited. In the 1953 Act the sale of food that is unfit for human consumption is directly prohibited by Section 4 but without describing it as adulterated.

Misbranding

The next change of significance arises out of the alternative purpose of the legislation, namely, the prevention of fraud in the manufacture and sale of foods, drugs, cosmetics and devices. The sections in the 1920 Act which are designed to provide appropriate prohibitions and penalties for fraud and deception are generally referred to as dealing with misbranding although misbranding in the technical sense is perhaps limited to matters contained on the label or package or to some representation directly accompanying an article. It perhaps does not extend to advertisements and certain merchandising devices employed in marketing of foods and drugs.

It will be observed that the 1953 Act avoids entirely the use of the word "misbranding" and substitutes for it direct prohibitions respecting deception howsoever it may arise, in labelling, packaging, treating, processing, selling or advertising in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding the character, value, quality, composition, merit or safety of a food, drug or device.

As had been already mentioned, there is no prohibition in the 1953 Act against deception in the case of a cosmetic. The prohibitions in the sale of cosmetics are entirely related to factors of health with, however, authority to make packaging, labelling and other regulations to prevent deception or to prevent injury to health.

It may now be useful to deal with the provisions of the 1953 Act in detail.

As has already been mentioned, it was considered desirable to deal separately with foods, drugs, cosmetics and devices and with regard to the inherent qualities or characteristics of each.

Part I of the 1953 Act which is the general part consists of Sections 3 to 20 and deals with these subjects as well as with what are called Scheduled Diseases.

The subjects that have been mentioned are therefore dealt with in the following order:

Section 3—Scheduled Diseases

Sections 4 to 7—Food

Sections 8 to 14—Drugs

Sections 15 to 17—Cosmetics

Sections 18 to 20—Devices

Part II of the 1953 Act deals with administration and enforcement and consists of Sections 21 to 30. The subject matter under this heading is dealt with in the following order:

Section 21—Powers of Inspectors

Section 22—Forfeiture of Foods, Drugs, Cosmetics and Devices that are in Violation of the Act

Section 23—Analysis

Section 24—Authority to make Regulations

Section 25 to 28—Penalties, Technical Procedures and Defences

Section 29—Evidence

Section 30—Exports

The subjects which are so listed will be discussed in the order in which they appear in the Act. This will also permit of the sections of the Act being dealt with seriatim. Where necessary, references will be made to Section 2, which is the interpretation or definition section of the Act.

Suitable references will also be made to any discussion contained in the various Chapters of this book as they may relate to the subject as it is dealt with in the 1953 Act.

As an additional convenience, each section will be set out in full at the commencement of its discussion.

Section 3. (1) No person shall advertise any food, drug, cosmetic or device to the general public as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states mentioned in Schedule A.

(2) No person shall sell any food, drug, cosmetic or device

(a) that is represented by label, or

(b) that he advertises to the general public as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states mentioned in Schedule A.

This Section is the counterpart of Section 7 of the 1920 Act but with some clarification of subject and language as well as an extension of its provisions. The reference to Schedule A is to a Schedule at the conclusion of the Act which sets forth a number of diseases or abnormal physical states. These, it may be noted, are identical with those which are set forth in Schedule A of the 1920 Act.

Section 7 of the 1920 Act which is discussed in Chapter 9, p. 188 prohibits the importation, sale or offering for sale of a food or drug that is represented by label or advertisement to the general public as a treatment for any of the conditions mentioned in Schedule A.

It will be seen that Section 3 of the 1953 Act extends the prohibition in a number of ways.

Firstly, in addition to the word "treatment" which is contained in Section 7, it adds the words "preventative or cure". It was open to argument whether the word "treatment" was itself wide enough to include representations for the prevention of a condition otherwise within Section 7. It was always considered that the word "cure" was itself an objectionable expression and one that is either included in the word "treatment" or, if not, then within some other section of the Act.

It was, however, thought desirable to make direct provision in the 1953 Act to deal with the use of this word.

Secondly, subsection 1 prohibits the advertisement of a food, drug, cosmetic or device to the general public for the treatment, prevention or cure of any of the conditions mentioned in Schedule A.

This is an extension of the 1920 section which does not directly prohibit the advertisement of a food or drug for such purpose but merely its sale when so advertised.

Thirdly, it prohibits the sale of a food, drug, cosmetic or device where the label represents, or where the vendor advertises to the general public that it is a treatment, preventative or cure for any of the said conditions.

It is considered that Section 3 of the 1953 Act is a more direct and complete approach to the evil that Section 7 was designed to meet. This, as was stated in discussing the Section in Chapter 9, was the exploitation of the public through the sale of articles represented or sold for self-administration for conditions that are thought to be of a kind that should not be treated on the basis of self-diagnosis and self-administration.

In addition to the more direct approach which the section makes, it also disposes of the possibility of certain arguments which have plagued the administrators in the administration or interpretation of Section 7. It has been suggested from time to time that on a technical interpretation, Section 7 would prohibit the sale of a food or drug for a legitimate use if in some way or at some time or at some place, it had been advertised in violation of the section. From the administrative point of view, it was always considered that the section should only be used where the defendant himself had advertised a food or drug for the treatment of a scheduled disease. In other words, it was not considered that the sale of a food or drug for a legitimate purpose was affected by some vicarious advertisement in violation of the section but unrelated to the advertisement or sale for the legitimate purpose. The section as now revised, is thought to dispose once and for all of any such condition and at the same time to cover more directly all of the evils which Section 7 was intended to meet.

Food

The provisions of the Act as they pertain to food, are contained in Sections 4 to 7, inclusive, and these will be dealt with in that order.

Section 4. No person shall sell an article of food that
(a) has in or upon it any poisonous or harmful substance.

This is adapted from paragraph (f) of Section 4 of the 1920 Act and is considered to provide everything that is contained in that provision but with fewer words.

The manufacture of certain foods of necessity requires or includes the presence of certain substances which technically could be described as poisonous or harmful. In particular, such substances would include arsenic, lead, copper, zinc and fluorine. To avoid the presence of such substances constituting a technical offence under the provisions of this Section, the same device would be employed as is employed in dealing with the comparable situation under Section 4(f) of the 1920 Act. This is to provide by regulation for limits or tolerances for such substances and to provide that their presence within such limits is not

considered to be harmful, and under the authority of Section 24(j) of the 1953 Act to exempt from the operation thereof foods which contain such substances within the prescribed limits. Such exemption, however, would only be to the extent that their presence would otherwise bring the food within the prohibition. This is now done under Section 3(1) of the 1920 Act.

Divisions 15 of Part B of the Regulations under the 1920 Act deals with poisonous substances in foods and sets forth the tolerances which are considered permissible in the case of the substance mentioned. The Regulations provide that a food containing such substances is not thereby adulterated. With the more restricted meaning being given to the expression "adulterated" in the 1953 Act, it will be necessary to rephrase the Regulation and it would likely be in such a way as to exempt such a food under prescribed circumstances from the operation of paragraph (a) of Section 4.

Section 4. No person shall sell an article of food that

(b) is unfit for human consumption;

(c) consists in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance.

These are taken from paragraph (d) of Section 4 of the 1920 Act which possibly deals with two separate situations. The first in connection with the presence of filth or contamination in a food which might or might not render it unfit for use as food, and the second with such contamination as would render it unfit for such use. It was thought that it would be desirable to separate the subject matter into two paragraphs, the first to be as is set forth in paragraph (b) dealing with food unfit for human consumption and the second as is set forth in paragraph (c) dealing with various forms of contamination which would not necessarily render the food unfit for consumption.

The intent of these two paragraphs is clear. Technically, of course, certain delicacies which are commonly sold might be said to come within either the paragraph of the 1920 Act, or within either of the new paragraphs of Section 4. For example, ripened cheese and fish, and "gamey" meat or poultry, might well be argued to come within either paragraph (b) or (c). On the other hand, these are qualities which are looked for by certain epicureans who would argue that the articles were improved by this form of infestation or contamination. Whatever might be the relative merits of such contentions, the 1920 Act has never been used to prevent the sale of delicacies where this quality is sought. On the other hand, it has had a very useful purpose in protecting the consumer against contamination of a kind that would not be considered desirable whether or not a health hazard was involved.

Section 4. No person shall sell an article of food that

(d) is adulterated.

To some extent this has already been discussed in this Part under the headings "Treatment of Adulteration and Misbranding" and "Adulteration—Food". It may be useful, however, to elaborate somewhat further on the effect of this expression as it is used in Section 4 of the 1953 Act.

The dictionary meaning of "adulteration" as it refers to a food is the depreciation or debasement of a food or the passing off of an inferior food for a superior one to the detriment of the purchaser. It may well be contended that the various sub-paragraphs of Section 4 of the 1920 Act describe in one way or another circumstances whereby a food becomes adulterated. This, of course, was the purpose of particularizing these matters in the section and thereby to give them either singly or in combination a statutory meaning of adulteration.

As has been pointed out, the important provision of Section 4 of the 1920 Act is contained in paragraph 4(g) which provided that a food is adulterated if it departs from the standard prescribed for it. It was thought sufficient in the 1953 Act to give to the expression "adulteration" its dictionary meaning and, except as is provided by regulation under Section 24(1)(a), without any elaboration in terms of abstractions, omissions or additions, to say nothing of the other matters that are dealt with.

It was, however, felt that there must be some authority, under special circumstances, apart from the dictionary meaning of adulteration, to deal with a food as adulterated. Section 24(1)(a) authorizes the Governor in Council to make a regulation declaring that a food is adulterated if any prescribed substance or class of substances is present therein or has been added thereto or extracted or omitted therefrom. A prescribed substance is one that has been so declared by regulation.

The expression "adulteration" as used in paragraph (d) must therefore be related to any regulations that may be made under the authority of Section 24(1)(a).

Obviously where a standard is prescribed for a food, then, of course, the standard itself will automatically take care of the ingredients of that food if sold as a standardized food.

The chief value of the authority will be in relation to unstandardized foods and also where it may be thought desirable to deal with substances by some general prohibition such as is presently done in the case of the use of mineral oil in foods. Doubtless, appropriate regulations will be made to take care of substances such as mineral oil, synthetic sweeteners, certain kind of preservatives, amongst other things, and to provide that the use of any of these things would adulterate the food. Similarly, the presence of toxic substances which might be provided through a type of container and which, strictly speaking, are not part of the food itself, would adulterate it if so declared by Regulation.

The use of the authority of Section 24(1)(a) will, therefore, permit of particular practices as well as substances being dealt with without the necessity of making a statutory definition of adulteration or without perhaps making a specific standard for the food in question. This is thought to be a more appropriate method of dealing with the expression than is reflected in the somewhat artificial definition that is given in the 1920 Act.

Section 4. No person shall sell an article of food that

(e) was manufactured, prepared, preserved, packaged, or stored under unsanitary conditions.

This provision is new and should be related to the definition of the expression "unsanitary conditions" which is given in Section 2(n) of the 1953 Act. Even with the most modern methods of examination and analysis, it is not always possible to detect the presence of contamination in a processed food or one that has been treated in such a way as to conceal contamination during any stage of its manufacture. Again, contamination to which a food might be subjected, would not necessarily be of a kind that would involve injury to health.

Actual contamination or injury to health is not necessarily involved in the prohibition that is created by this provision. The possibility of contamination by filth or dirt is itself sufficient. This is seen from the definition of unsanitary conditions (Section 2(n)) and again in looking at that definition, it will appear that something more than untidiness or obsolescence is involved.

In some respects it might be said that the subject matter of this provision is a companion to that contained in paragraph (c) of this Section of the 1953 Act in that it supplements the provisions of that section where the presence of the contamination need not, or perhaps cannot be shown.

While the subject of this provision is new, it does not, however, follow that the 1920 Act fails to make any provision for unsanitary conditions in food or otherwise prohibit contamination in any way. This is perhaps indirectly involved in certain sections of the 1920 Act, notably Section 4 and Section 9. It was thought that it would be in the interests of the consuming public to provide directly that a food that had been subjected to the possibility of such contamination should not be sold even though actual contamination could not be detected or any injury to health established.

Section 5. (1) No person shall label, package, treat, process, sell or advertise any food in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.

This has to some extent already been commented on in this Part under the heading "Treatment of Adulteration and Misbranding" and "Misbranding".

Where adulteration has been traditionally descriptive of the depreciation or debasement of a food, misbranding has been traditionally descriptive of deceptive practices with respect to the distribution and sale of a food as well as, of course, to other articles which are subject to the provisions of the 1920 Act.

As is mentioned, misbranding technically might be limited to a representation contained on a label or directly accompanying an article. It is, however, generally used to describe any deceptive representation that may be made with respect to a food either by label or advertisement or other merchandising device.

In having regard, therefore, to the wide use that had been given to the expression "misbranding" even though it might have some dictionary limitation, it was thought appropriate to incorporate within one section all of the provisions of the 1920 Act which deal with deceptive practices and thus avoid the use of the word "misbranding" at all.

Accordingly, Section 5 together with any regulation that may be made under the authority of Section 24(1)(b), sets forth all of the provisions of the Act as they deal with deceptive practices in the distribution and sale of a food to the public.

The subject matter of Section 5 of the 1953 Act includes substantially what is covered by Section 8 of the 1920 Act but without setting forth in detail all of the matters that are contained in that Section. It also covers what is contained in Section 35 of the 1920 Act which deals with deceptive labelling practices and in Section 36 which deals with deceptive advertisements.

The essence of Section 5 is, of course, deception, as it may arise in connection with the manufacture, distribution and sale of a food to the public. Experience has shown that in the sale of a packaged food, deception or deceptive practices are not necessarily confined to untrue or deceptive labels or advertisements. It frequently happens that the information on the label will be technically accurate but put forth in such a way as to create an erroneous impression with respect to the article. For example, a disclaimer word may be used on a label to indicate the absence of a usual constituent or the presence of an unusual ingredient, the presence of artificial colour, flavour or some other attribute, but printed in type, colour or in a location which will not readily emphasize the information to the consumer. It is not always possible to deal with such matters by regulation and it is, therefore, considered appropriate that deceptive devices, whether or not squarely within the prohibition of a regulation should in any event be dealt with as a prohibited device under the Act itself.

Similarly, in the case of a package the size or dimension may be such as to create deliberately an erroneous impression. This may be done by printed matter, by the design of the package which gives it an appearance of being larger than it is, or by the use of coloured wrappers which would give a better appearance to the package than the contents, may deserve. Other packaging devices intended to create some erroneous impression with respect to the quality or the character or the value of the article would likewise be within the prohibition of the section whether or not they are within any particular regulation.

Devices such as reddish coloured cellophane on fresh fruit containers suggestive of a degree of ripeness which may not be present, printed wavy lines on bacon containers suggestive of an even streakiness or distribution of fat and lean, and other devices, might be such as could come within the scope of the section.

While the section does not repeat all of the detail that is contained in Section 8 of the 1920 Act, it does cover the subject matter of that section. By

way of illustration, a food might be coloured or otherwise processed so as to give it a better appearance or make it appear to be better or of greater value than it really is. This is dealt with in Section 8(d) of the 1920 Act. It will be seen that the words "treat" and "process" which are contained in Section 5 of the 1953 Act would themselves be sufficient to cover such a situation.

Section 5 in using the word "sell" further extends the prohibition against deception. In looking at the definition of "sell" in Section 2(m), it will be seen that it includes 'offer for sale', 'expose for sale', 'have in possession for sale' and 'distribute'. It may, of course, be possible to represent a food to the public in a manner that is generally misleading or deceptive or otherwise not within the spirit of the law but without in fact violating any labelling, packaging or other regulations. The manner in which an article is exposed for sale or otherwise held out to the public may itself be intentionally deceptive but without coming squarely into conflict with a regulation. It is against this type of sharp practice that the prohibition is designed.

Section 36 of the 1920 Act deals with advertising. The subject of Section 36 is now included in Section 5 along with the other matters involving deception. In the discussion of misbranding commencing at p. 189, instances were given of the type of deceptive advertising which Section 36 had successfully prohibited. The word "advertise" needs no further elaboration save perhaps to point out that the word "advertisement" is now defined in Section 2(a) of the 1953 Act. This definition should, therefore, be related to Section 5 in considering deceptive advertisements.

It may seem that Section 5(1) not only covers what was previously dealt with in a number of sections of the 1920 Act but also extends the operation of those sections to include matters which under that Act would not be covered. This is true and there is no question but that certain devices and techniques which under the 1920 legislation could not be dealt with will now permit of some action being taken. It was not considered, however, that with the extension of the section that there is any change in the administration of the 1920 Act to protect the consumer against fraud and deception. The section makes no change in the principle that has been followed in the past and should make no difference to those manufacturers and distributors who have been able to work within the language and scope of the 1920 legislation. It should, moreover, prove of some advantage in that it clarifies considerably the present situation by bringing all of the matters into one section and this at the same time, should make for somewhat easier administration.

Section 5, (2) An article of food that is not labelled or packaged as required by the regulations, or is labelled or packaged contrary to the regulations, shall be deemed to be labelled or packaged contrary to subsection (1).

This provision must be read with Section 24(1)(b) which provides authority to make regulations respecting packaging and labelling of foods, drugs, cosmetics and devices. It specifies in some detail the various matters which may be dealt with by regulation as they involve labelling, packaging, size, dimensions, fill and other specifications of containers. It will be noted, however, that regulations of this kind may only be made to prevent deception or injury to health. Regulations could not capriciously be made so as to discriminate as between classes of food or as between manufacturers or involve unnecessary inconvenience or expense. As discussed at page 184, regulations have been made under the authority of the present Act with respect to labelling. It is not likely that regulations to be made under the authority of Section 24(1)(b) would differ substantially from the regulations that are presently authorized.

The convenience, of course, of subsection (2) of Section 5 is that it squarely identifies a breach of a labelling or packaging regulation with the prohibition that is contained in subsection (1) and thus makes the question of intent irrelevant to the issue. This is substantially the situation under Section 8 of the present Act. As the regulations which can be made are themselves identified

with deception and with injury to health, observance of the regulations is essential in the interests of the consumer. The consequences of a breach of such regulations should therefore be regarded as a form of deception and thus brought within the provisions of the section which is dedicated to this subject.

Section 6. Where a standard has been prescribed for a food, no person shall label, package, sell or advertise any article in such a manner that it is likely to be mistaken for such food, unless the article complies with the prescribed standard.

This section and its counterpart in Sections 10(1), 16 and 20, respectively, dealing with drugs, cosmetics and devices are amongst the most important sections of the 1953 Act. The section, of course, must be related to the authority which is given in Section 24(1)(c) to prescribe standards of composition, strength, potency, purity, quality or other property of any article of food, drug, cosmetic or device.

The section is to some extent based upon Section 8(a) and (c) of the 1920 Act insofar as those sections are designed to prevent the passing off of imitations or substitutes for genuine articles. The Section, however, goes far beyond anything that is contained in Section 8 and, at the same time, it removes an anomaly that is now created by Section 4(g) of the present Act. This latter has been discussed in Chapter 7 (see p. 162).

As has been pointed out in discussing the question of adulteration in Chapter 7, as well as in this Part, the effect of Section 4(g) was to bring a food within the expression where such food departed from a standard that had been prescribed for it and irrespective of the nature or purpose of such departure. Apart from the possibility of situations arising from the unfortunate language that is used in Section 4(g) and Section 3(a) of the 1920 Act, it was considered that a departure from a standard was, in effect, a misrepresentation of the food rather than an adulteration of it.

As has been suggested, the word "adulteration" is itself descriptive of some fraudulent practice and in many instances it would be difficult to relate a departure from a standard with fraud, let alone with adulteration in its dictionary sense.

Questions have arisen as to whether the adoption of a standard for a food should effectively block the sale of a food that did not conform to the standard but which was otherwise wholesome or nutritious. Arguments were raised as to whether the departure could not effectively be met by a label declaration and thus any element of deception or passing off be removed. Other arguments related to the use of words such as "imitation" and "substitute" as being sufficiently descriptive of the difference between the article in question and that for which the standard had been prescribed; these arguments and others have been exhaustively discussed in Chapter 7. As was pointed out in that discussion, label information in those circumstances was often of a kind that paid lip service only to the principles of truth and honesty and could be given in such a way as to constitute deception even more objectionable. (See p. 170.) Illustrations will easily come to mind where a manufacturer with calculated ingenuity provides legend information of a kind that will not be readily discernible or if it is, will be phrased in such a way as to create an impression entirely different from its literal meaning. For these reasons it has been felt that the integrity of a standard was not benefited or otherwise supported if its requirements could be evaded by some label device.

Again the word "imitation" and "substitute" are themselves misdescriptive when used in relation to what is in reality a sub-standard product. (See p. 189.)

It was, however, felt that with due regard to the necessity of preserving the integrity of standardized foods, the law should be such as to permit the sale in open competition of wholesome foods which do not meet the standard, so long as the customer or consumer is not deceived in making his purchase. As the element of deception is not always one to be met by label information or

the use of the word "imitation" or "substitute" the section is so drafted as to bring within its scope other forms of misrepresentation which might fool the consumer or purchaser into thinking that the article being purchased was the standardized article but with the perhaps added benefit of being sold under a proprietary or brand name. Every form of device which may therefore constitute deception or the passing off of an unstandardized or sub-standard article for a standardized article, is intended to be within the section. This includes not only the form and design of a label, but also the form and design of the package, together with the way in which the article is held out to the public either in advertisement or in its exposure for sale if it is done in a manner that it is likely to be mistaken for a standardized article. The section does not prohibit the sale of foods that are below standard but only those that are dealt with in such a way as would constitute deception.

It is not necessary to deal further with the purpose of food standards (Chapter 7). It may, however, be timely to make the point again that while food standards are not made for all foods, standards are made where in the interests of the consumer it is thought that a standard would tend to promote honesty and fair dealing. Under modern practices and with the aid of chemical agents, it is possible for worthless concoctions to possess great eye appeal and palatability but with little or no nutritional value. The consumer is, as a rule, entirely at the mercy of the manufacturer when he purchases a processed and pre-packaged food and particularly where he relies upon appearance or taste. It is in this field that the interests of the consumer and to a very great extent the interest of manufacturers, are protected by the establishment of standards. The integrity of the manufacturer is, of course, a very real assurance to the consumer of the quality of his product. He, however, will benefit in knowing that other manufacturers who perhaps do not possess the same integrity are equally required to conform to the legal recipe that has been established by law. Whether, of course, in conforming to that legal recipe, he packs or produces a better than minimum product, is a matter of merchandising and economics. (See Chapter 4 at p. 81.)

Before leaving Section 6, it may be useful to point out that the authority to prescribe standards as is given in Section 24(1)(c) is no longer limited by the word "quality" but is specifically extended to include composition, strength, potency, purity, quality or other property of any article of food. Thus no question should arise as to whether a standard is itself a definition of a food, a legal recipe for it, a list of required ingredients, as well as of other qualities or factors which may be traditional therein and which the consumer would expect to find in purchasing such an article.

Section 7. No person shall manufacture, prepare, preserve, package or store for sale any food under unsanitary conditions.

This provision is new and supplements Section 4(e). That section deals with the sale of an article of food that was subjected to unsanitary conditions and this section prohibits the subjecting of a food to such conditions. Here again the definition of unsanitary conditions as is set forth in Section 2(n) is the keystone of the prohibition. Sufficient has already been said with respect to this expression and its purpose in connection with Section 4(e) to make unnecessary any further comment.

The above concludes the observations which may be useful in pointing out the provisions of the 1953 Act, as they deal with food wherein there are differences in the treatment of the subject from the 1920 Act.

With the identification of certain sections with the authority to make regulations, as well as the very substantial authority that is given in that field, it is obvious that the subject matter of the regulations will be of great interest and importance.

It is not anticipated, however, that the regulations to be made under the 1953 Act will differ substantially from the regulations that are presently in effect.

This, of course, is subject to whatever revision may be necessary to make the regulations conform to the pattern of the 1953 Act, as well, perhaps, as particular regulations in connection with features that are new.

Generally, the regulations will not differ in principle to those now in force (1953) and assurances substantially to this effect have been given by the Minister and the officers of the Department when the legislation was under consideration in the Committee of the Senate and in the House of Commons.

Drugs

At the outset of this discussion the difference in the approach to the subject of drugs in the 1953 Act was broadly outlined.

Before commenting on Sections 8 to 14 as they deal with drugs, it may be mentioned that apart from some differences in the arrangement of the sections there is little or no difference in the principles that are contained in Sections 8 to 14 and those which are contained in Sections 6 and 8 of the 1920 Act.

It may also be relevant to point out that the general treatment of the subject of drugs with some difference of subject matter, follows the pattern of the treatment of foods in the new Act. Many of the comments, therefore, that have been made to the sections as they relate to foods, would be equally applicable to the comparable sections pertaining to drugs.

For example, the discussion in connection with foods of the expressions, "adulterated", of "unsanitary conditions" either in the sale of an article or in its manufacture, as well as deception, will have broad application to the subject of drugs. It will therefore be unnecessary to comment as exhaustively on these features in relation to drugs as would otherwise be the case. Comments will, therefore, be rather with reference to particular features as they may involve drugs, and the reader is referred to the general discussion as it relates to food insofar as these particular subjects are concerned.

It is obvious, of course, that as the potential health hazard, both as regards constituents, as well as representations to the public as provided by drugs is greater, the control which must be exercised in the interest of the consuming public is necessarily more complete and strict, than would be necessary in the case of foods or cosmetics.

Section 8. No person shall sell any drug that

- (a) was manufactured, prepared, preserved, packed or stored under unsanitary conditions.

The purpose of prohibiting the sale of a food that was subjected to "unsanitary conditions" has been discussed both in the general observations as well as in connection with Section 4(e) and Section 7.

These comments will apply with equal force to the above provision as it relates to drugs. It may, of course, be pertinent to point out again that these provisions can become of even greater importance in the case of drugs than in the case of foods, because the consequence of insanitation may be more serious in terms of health potential than would be the case in foods.

Section 8. No person shall sell any drug that

- (b) is adulterated.

The discussion of the subject of adulteration as well as the detailed comments made in connection with Section 4(d) are largely applicable to this expression as it is applied to drugs but with, perhaps, an important distinction. Whereas all foods are not subject to standards, practically all drugs are. A drug in accordance with the treatment of the subject in the 1953 Act, as well as in the 1920 Act must conform to the standard as set out in the regulations, or the standard as is set forth in some authoritative publication or pharmacopoeia, or a standard professed to be met by the manufacturer.

The adulteration provision as it relates to drugs will, therefore, have a somewhat more limited application than it would have in the case of foods.

In discussing the question of foods in relation to adulteration, reference was made to the authority of Section 24(1)(a) of the 1953 Act which authorizes the Governor in Council to make regulations to declare a food or a drug to be adulterated by the presence, use or omission of a prescribed substance.

The expression "adulterated" would have some additional significance in connection with a regulation prescribing a substance which should or should not be in a drug.

By way of illustration, a regulation might provide that a suspended glass particle or other foreign matter in a drug intended for injection, would constitute a prescribed substance. The presence, therefore, of such particles or foreign matter would bring the drug within the definition of "adulteration" and the sale of such drug would, therefore, be prohibited. This would be so, even though in other respects the drug met the requirements of the regulations or pharmacopoeia in question.

It would be difficult to deal with substances of this kind under a standard or in terms of ingredients because they are not always constituents of, or ingredients in, a drug.

Section 9. (1) No person shall label, package, treat, process, sell or advertise any drug in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.

This Section is identical in language to Section 5 which deals with the subject of deception in the case of food. The comments that were made with respect to Section 5 would apply to deception in the case of the sale or distribution of a drug.

It may be useful, however, to point out again that whereas deception in the case of a food is more apt to involve the economic consequence of fraud rather than danger to health, deception in the case of drugs may involve not only fraud but also actual danger or injury to health.

The field in which deception in the case of drugs is most likely to lie is with respect to preparations which are advertised to the general public in relation to particular conditions and to those things which are offered for sale over the counter. These drugs will normally be accompanied by or made the subject of detailed claims for their therapeutic value in relation to diseases or symptoms of disease.

Apart, however, from these preparations, there are the drugs usually called ethical drugs, which are normally dispensed in prescription medication and without specific claims for therapeutic uses. These drugs, which perhaps make up a great part of the drug trade, will be widely advertised in technical or professional journals to the professions concerned, but not as a rule advertised to the public.

For example, while penicillin is widely known, it is only in professional or trade publications that one is likely to see any advertisements for penicillin.

For the purchase of penicillin from retail pharmacists a prescription is required, and even if the penicillin should be given to the purchaser in the original package in which it came from the manufacturer, the label legend will reveal no more than the name of the article, its potency in terms of international units and the expiry date for its use, together with the name and address of the manufacturer. This would be in addition to the prescription information. The package will not contain any statement by the manufacturer as to the efficacy of the drug for the treatment of any particular condition. While penicillin is given as an illustration of what is meant by an ethical drug, it will be readily seen that many of the drugs which will be involved in drug therapy will come within the same category as penicillin insofar as these factors are concerned.

The provisions of Section 9 will, therefore, have little or no application to drugs which are in the "ethical" field.

The drugs which will, of course, be directly affected, while numerically fewer in number, are those which are widely advertised to the general public for the treatment of specified or generally described conditions.

In commenting on Section 3 of the new Act, the purpose of prohibiting either the advertisement or sale of drugs to the general public in connection with treatment, prevention or cure of certain scheduled diseases was explained. It is only in connection with these particular conditions, however, that the prohibition of Section 3 extends. This still leaves a very extensive number of conditions or diseases available to the field of self diagnosis and self medication.

It is particularly in relation to these conditions and to the drugs that are widely advertised as of therapeutic benefit for them, that the provisions of Section 9 will have application.

An examination of any magazine containing medical advertising or of any daily newspaper, to say nothing of radio advertisements, will indicate that despite any limitations or restrictions that may be imposed the numbers of conditions for which self medication is recommended are legion.

Preparations for the prevention or treatment of the common cold perhaps still occupy the largest share of therapeutic advertising.

In this connection, of course, the claims may be considerably extended or diffused so as to include the subject of general health, the consequences of being run-down and the use of preparations, particularly vitamins, for the treatment or prevention of such general conditions. The drug will, as a rule, be identified under some name or other, with the common cold. Skin conditions, tonics of all kinds, therapeutics for nerves, as well as specifics for various diseases or parts of the body are included in the subject matter which Section 9 is intended to control.

While it might seem that the provisions of Section 9 will constitute a wider control on all forms of medical advertising than is possible with the present legislation, it is not thought by the administrators of the Act that this will be necessarily so. It is felt, however, that certain fringe or borderline devices which are presently difficult to control will be more effectively dealt with under the provisions of this section than has so far been possible.

As in the case of food, firms who have found it possible to operate within the provisions of the present law would not likely find anything in the provisions of Section 9 in the case of drugs, to constitute any impediment or embarrassment to their operation.

Section 10. (1) Where a standard has been prescribed for a drug, no person shall label, package, sell or advertise any substance in such a manner that it is likely to be mistaken for such drug, unless the substance complies with the prescribed standard.

Section 6(3) of the 1920 Act authorizes the Governor in Council to make regulations prescribing standards of quality and potency for a drug mentioned or described in Schedule "B" to that Act. It also authorizes regulations with respect to manufacturing and testing and section 3(b) of the 1920 Act authorizes regulations with respect to the packaging and labelling of drugs.

Subsection (4) of Section 6 of the 1920 Act in practical result gives to a drug, for which a standard is established by regulation, precedence over any other standard by providing that such a drug shall be deemed to be adulterated if it has not been manufactured, tested and labelled in accordance with such regulations, or if it differs in quality or potency from the standard so established. This has been generally commented on in Chapter 8 at p. 177 under the heading "Standards under Section 6(4) and Schedule "B".

Subsection (1) of section 10 of the 1953 Act replaces section 6(3) and 6(4) of the 1920 Act. It somewhat extends the provisions of those subsections in

that it also deals with packaging, advertising and selling. It moreover avoids the absurdity that is contained in section 6(4) that a drug is adulterated if it is not labelled as required by regulation.

It may seem that the treatment contained in section 10(1) reflects a difference in the present treatment of the subject in that it does not directly prohibit the sale of a drug for which a standard has been prescribed and which fails to conform to the standard, but prohibits only the passing off of such a drug as the standardized drug.

A drug for which a standard has been prescribed by regulation and which does not meet that standard could, therefore, be sold so long as it is not likely to be confused with, or mistaken for the standardized drug.

The intent of the section is to give to such a standard not only precedence over all other standards, but also to prohibit the sale of a drug which does not wholly conform to that standard. Whether, therefore, this intent is fully supported by the language of the subsection, or whether, on a technical interpretation, a drug not meeting the standard could still be sold if it is not "passed off" as such, for practical purposes the result is that which the section intends.

The number and kind of drugs for which standards are presently prescribed by regulation are limited and it is unlikely that regulations under the 1953 Act would enlarge the number or kind of drugs to be so dealt with. A drug which is standardized by regulation is, of course, taken out of the operation of subsections (2) and (3). It would, therefore, be difficult to market such a drug in a way that is commercially worthwhile without at the same time bringing it within the prohibition of subsection (1) through holding out or, in some manner or other, representing that it is the drug or a form of it for which a standard has been prescribed.

Section 10. (2) Where a standard has not been prescribed for a drug, but a standard for the drug is contained in any publication mentioned in Schedule "B", no person shall label, package, sell or advertise any substance in such a manner that it is likely to be mistaken for such drug, unless the substance complies with such standard.

This subsection corresponds substantially to Section 6(1) of the 1920 Act. It will be recalled that in that section there are listed or described certain authoritative publications with the provision that a drug which purports to be sold in accordance with the standard as set forth in any such publication and which differs from that standard, is adulterated. There is, of course, the small point in this connection that subparagraph (c) deals with drugs which are not recognized in any pharmacopoeias but which are found in some generally standard work on materia medica or drugs.

In the case of subsection (2) of Section 10 of the 1953 Act, however, it is proposed to establish through the means of Schedule "B" a list of publications with provision that the schedule can be amended from time to time. The standards for drugs set forth in these publications will, except in the case of drugs for which a standard is made by regulation, constitute the official standards for the drugs therein mentioned.

In looking at the list of publications, it will be seen that these are specifically named, whereas in the present Act it is only the British Pharmacopoeia that is so named with other pharmacopoeias and works mentioned by reference or description. A further point of interest is the inclusion, as the pharmacopoeia first listed, of the "Pharmacopoeia Internationalis". Heading the list with this Pharmacopoeia, is intended to give particular recognition to it as constituting an appropriate basis of some international standard for drugs.

It has been felt by the officials who are responsible for and concerned with drug standards in Canada, that the present differences as they exist between pharmacopoeias, and particularly in the matter of description of potency or strength, are not in the interests of the consumer. These differences as a rule

provide little extra benefit or protection and, in some instances, may only confuse and bewilder. The Internationalis Pharmacopoeia accordingly represents an attempt to codify standards for a number of drugs in common usage and to provide some common denominator for such drugs both in terms of constituents and in the method of expressing their strength or potency.

In the case of a drug, therefore, which comes within the provisions of subsection (2) the drug may be sold if it meets a standard as set forth in any of the publications listed and provided the label indicates the publication in question. Thus a drug would be appropriately labelled if it bears the statement "U.S.P." or "B.P." or "I.P." as indicating that its standard is that set forth in the publication so indicated. It will also be seen, of course, that a drug which professes to meet such a standard may not be represented in any way to the public as meeting the standard unless it, in fact, does so.

Section 10. (3) Where a standard for a drug has not been prescribed and no standard for the drug is contained in any publication mentioned in Schedule "B", no person shall sell such drug, unless

- (a) it is in accordance with the professed standard under which it is sold, and
- (b) it does not resemble, in a manner likely to deceive, any drug for which a standard has been prescribed or is contained in any publication mentioned in Schedule "B".

This section is, in part, also adapted from Section 6(1) of the 1920 Act. That section it will be recalled provides that a drug shall be deemed to be adulterated if its strength, quality, or purity falls below the professed standard under which it is sold. The application of the new provision is only to drugs where a standard has not been prescribed by regulation, or where the drug is not one that is mentioned in any of the publications listed in Schedule "B". The kind of drugs which would come within the authority of this provision are those which are sold in combination, or under some trade or proprietary name.

Drugs which are separately mentioned in pharmacopoeias but which are mixed or combined, would come within this Section because the resulting combination is not one that is itself set forth in a pharmacopoeia. If it is mentioned then it would come within the authority of subsection (2) rather than that of subsection (3).

Multiple vitamin preparations provide a good illustration of the kind of drug that would come within the authority of subsection (3). The label would indicate the professed standard of the manufacturer in terms of the strength or potency of each vitamin in the preparation, and if it falls below such professed standard, then its sale would be in violation of the section.

New drugs, in making their first commercial appearance on the market, might also come within the provisions of this subsection. This could occur where it is not considered that there is any need to set a standard by regulation and where the drug has not yet reached the point of recognition in a pharmacopoeia.

Section 11. No person shall manufacture, prepare, preserve, package or store for sale any drug under unsanitary conditions.

The importance of controlling conditions of sanitation in the manufacture and distribution of drugs makes any detailed observations unnecessary. The need for control in terms of additional health hazards, however, might be emphasized. Where insanitation in the case of a food might make the food unattractive, perhaps unpalatable and in some cases mildly injurious, insanitation in the case of a drug could have far-reaching and very serious consequences to the consumer. The comments which have been made with respect to the comparable provision respecting a food might also be considered in terms of drugs.

Section 12. No person shall sell any drug described in Schedule C or D unless the Minister has, in prescribed form and manner, indicated that the premises in which the drug was manufactured and the process and conditions of manufacture therein are suitable to ensure that the drug will not be unsafe for use.

Section 13. No person shall sell any drug described in Schedule E unless the Minister has, in prescribed form and manner, indicated that the batch from which the drug was taken is not unsafe for use.

These sections which are taken from Section 6(3)(c), (d) and (e) of the 1920 Act with some revision, may perhaps be discussed together. The 1920 Act deals with the licensing of manufacturers who prepare certain of the drugs which are named in Schedule B to that Act. The present authority contemplates regulations respecting the inspection of premises, including suitability of equipment and the technical qualifications of the staff involved in the preparation of such drugs, as well as records thereof with the submission of test batches of certain drugs prior to their sale.

These provisions are contained in Section 12 and 13 of the 1953 Act but in a somewhat different form. In lieu of Schedule B, which is broken down into various parts, the drugs which are dealt with thereunder are set forth in Schedules C, D and E of the 1953 Act. It will be observed that there is required in connection with drugs listed in Schedules C and D, the Minister's indication of the suitability of premises and the other safety factors which are referred to. In contrast, the 1920 Act requires the licensing of such manufacturers as a condition precedent to the manufacture of the drugs. The 1953 Act, however, avoids the use of a license and substitutes for it the requirement of the Minister's approval. This in turn must be related to the authority which is contained in Section 24(1)(g) which authorizes regulations respecting the form and manner of the Minister's approval, as well as the other matters which are contemplated by Section 12.

Section 13 carries the precautionary measures of Section 12 somewhat further in requiring in the case of drugs described in Schedule E that particular batches must be tested and approved as to safety prior to their sale. This again should be related to the authority contained in Section 24(1)(h) which authorizes regulations respecting the submission of test portions of batches of drugs and the other matters which are contemplated by Section 13.

While the approach, therefore, to the treatment of these particular drugs is somewhat different in the 1953 Act than in the 1920 Act, the purpose and to a very great extent the subject matter is the same. It is not possible to lay down by definition exactly what kind of drugs may properly be included in the Schedules that are mentioned. An examination, however, of the drugs that are set forth in Schedules C, D and E in comparison with the drugs set forth in certain parts of Schedule B of the 1920 Act, will broadly indicate without definition the kind of drugs that are likely to be made subject to the special requirements.

Section 24(1)(m) limits the authority to add to the Schedules by the requirement that such addition must be in the interest of, or for the prevention of injury to, the health of the consumer or purchaser. In considering these sections, the point was raised before the Committee of the Senate by the Pharmaceutical Manufacturers Association that it would be useful if there could be set forth a definition of the kind of drugs to be dealt with in this way. After very careful consideration of all the factors involved, it was finally agreed that it would not be possible to provide any appropriate definition which would be satisfactory to the manufacturers and, at the same time, accomplish the purpose of the sections. The limiting words in Section 24(1)(m) which were added were considered to provide a sufficient restriction or limitation to any capricious or unnecessary additions to the Schedules.

For practical purposes, the requirement of the Minister's indication of suitability would be equivalent to a license or certificate but without, perhaps,

running the same risk of challenge on constitutional grounds that a license to manufacture involves a matter of property and civil rights and was therefore only within provincial competence. As against this, it is considered that in the field of criminal law it may be appropriate to impose conditions to be met precedent to the sale of a drug where it is necessary to do so in the interests of the health of the consumer or to prevent injury. The requirements that are contained in Sections 12 and 13 are considered to be those directly within the scope of the legislation and not conditions which could be successfully challenged as being unnecessary to the legislation or too far removed from its purpose to be ancillary thereto.

Section 14. (1) No person shall distribute or cause to be distributed any drug as a sample.

(2) Subsection (1) does not apply to the distribution of samples of drugs by mail or otherwise to physicians, dentists or veterinary surgeons or to the distribution of drugs, other than those mentioned in Schedule F, to registered pharmacists for individual redistribution to adults only or to a distributor in compliance with individual requests.

This first part of this section is taken from Section 34 of the 1920 Act; the second part modifies the provisions of subsection (1) in that it permits of the distribution of samples by mail or otherwise to professional people and the distribution of certain samples to registered pharmacists for individual redistribution to adults only or to distributors in compliance with individual requests. This is generally within the authority of Section 34 but it will be observed that subsection (2) imposes a restriction which is not within the present authority. It will be seen, therefore, that drugs in Schedule F may only be distributed to professional people and may not be distributed as samples as is possible in the case of other drugs to retail pharmacists. Although no reference is made in Section 14 to prescription drugs, an examination of the drugs which are referred to in Schedule F will indicate that these are the same drugs as are presently dealt with in Appendices IV and V to the Food and Drug Regulations and which can only be sold upon prescription.

It was not thought that there was any necessity to permit of the distribution of samples of these drugs to retail pharmacists as they can only be sold on prescription. No purpose would therefore be served in distributing samples to druggists because they could not be legally used by the druggist except upon a prescription. The furnishing, therefore, of free samples which in turn would require a prescription would be a meaningless procedure with no benefits or advantages to commend it either from the manufacture's point of view or from the point of view of the druggist.

Cosmetics

The treatment of cosmetics, as has previously been pointed out, is new in that it separates cosmetics from drugs and makes appropriate provision for particular matters that are involved in their manufacture and sale.

It will be seen that deception is not dealt with in the sale of cosmetics as it is in the case of a food or drug. The element of deception is one that can adequately be taken care of by particular regulation under the authority of Section 24(1)(b), as well as by the provision of a standard which would preclude any passing off of a cosmetic as a standardized article if it did not meet the standard.

Section 15. No person shall sell any cosmetic that

- (a) has in or upon it any substance that may cause injury to the health of the user when the cosmetic is used,
 - (i) according to the directions on the label or accompanying such cosmetic, or
 - (ii) for such purposes and by such methods of use as are customary or usual therefor;

This provision is not found in the 1920 Act and is intended to prohibit the sale of a cosmetic where any danger or injury to health may arise under recommended or usual conditions of use. The provision would, therefore, require adequate directions for use, as well as proper cautions or warnings where danger can arise. The present cosmetic regulations which are discussed at page 181 set forth certain examples of the type of cautions and warnings which would be appropriate.

Section 15. No person shall sell any cosmetic that

- (b) consists in whole or in part of any filthy or decomposed substance or of any foreign matter;

This provision also is new insofar as a cosmetic is concerned. The comments that have been made with respect to Section 4(c) dealing with a food are substantially applicable to this provision as it relates to a cosmetic. Its purpose, however, is somewhat different to preventing contamination by dirt or filth in the process of manufacture or storage in that it is intended to deal with direct contamination through the use of filthy or decomposed substances as ingredients or of foreign matter in the manufacture.

Section 15. No person shall sell any cosmetic that

- (c) was manufactured, prepared, preserved, packed or stored under unsanitary conditions.

The comments which have elsewhere been made respecting unsanitary conditions are applicable to the above.

Section 16. Where a standard has been prescribed for a cosmetic, no person shall label, package, sell or advertise any article in such a manner that it is likely to be mistaken for such cosmetic, unless the article complies with the prescribed standard.

Under the 1920 Act, because the definition of a drug includes a cosmetic, it would be possible to establish a standard for a cosmetic under the authority that is given to prescribe standards for drugs. The new provision is, however, a more direct approach to the subject and in keeping with the recognition of cosmetics as meriting special treatment in the legislation.

The language that is used in this section is, of course, identical with that used in Section 6 and in Section 10(1) of the 1953 Act. The comments which have been made with respect to those sections insofar as they relate to standardized articles would be applicable to cosmetic standards.

It should be pointed out, however, that the present cosmetic regulations deal with the use of dangerous or toxic substances and to matters of labelling with special cautions needed in the case of things potentially dangerous or injurious. It is not considered that there will likely be any necessity for elaborate standards for cosmetics. If, however, a standard should be prescribed for a particular cosmetic or class, as may be done under the authority of Section 24(1)(c), then a cosmetic could not be passed off as the standardized article if it does not meet a standard.

Section 17. No person shall manufacture, prepare, preserve, package or store for sale any cosmetic under unsanitary conditions.

The comments that have been made respecting unsanitary conditions can be read for cosmetics. Whether the same potential health hazard would exist is, of course, a question that could vary with certain cosmetics and depending upon their purpose.

In general, however, the nature of cosmetic manufacture is such as would not raise questions of insanitation. This is particularly so in the case of distribution and sale where appearance becomes such an important factor for the manufacturer to consider. It does not perhaps logically follow that insanitation in its manufacture could not occur. With reputable cosmetic manufacturers, however, great emphasis is placed upon the quality and cleanliness of the premises of manufacture and the scrupulous care that is taken at all times to

avoid subjecting the article to contamination. The prohibition against filthy or decomposed substances as ingredients, together with the provisions with respect to unsanitary conditions, should adequately control any manufacturers who might not be as zealous or scrupulous in this regard as are the larger firms.

Devices

The treatment of devices under the legislation is new. As has already been pointed out, the definition of a drug in the 1920 Act includes

"any article that may be used for the diagnosis, treatment, mitigation or prevention of disease in man or animal".

This has been discussed at page 181 where the importance of special recognition for devices was pointed out. The provisions, therefore, of Sections 18 to 20 are intended to have regard to characteristics and qualities inherent in devices and which may not in all respects be present in other articles of food, drugs or cosmetics.

A device is defined in Section 2(c) of the 1953 Act and this definition should be examined in relation to the provisions of Sections 18 to 20, which deal with prohibited sales of devices, deception, and the provision of standards.

Section 18. No person shall sell any device that, when used according to directions or under such conditions as are customary or usual, may cause injury to the health of the purchaser or user thereof.

This section is new and as in the case of a cosmetic is related to danger or injury from a recommended or customary usage of an article. The onus, therefore, is upon a vendor or manufacturer to provide information of any special danger inherent in the devices. This would cover dangers arising from its use for the purpose recommended or from its very nature or construction.

Section 19. (1) No person shall label, package, treat, process, sell or advertise any device in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, composition, merit or safety.

(2) A device that is not labelled or packaged as required by the regulations, or is labelled or packaged contrary to the regulations, shall be deemed to be labelled or packaged contrary to subsection (1).

This section is the exact counterpart of Sections 5 and 9 as they respectively apply to a food and to a drug. The comments which have been made with respect to those sections as regards deception and deceptive practices are, with regard to differences in subject matter, applicable to the distribution and sale of devices.

In the case of devices fraud may take on more serious proportions than in the case of a food and could be as important as it would be in the case of a drug. Devices which are sold for therapeutic, curative or diagnostic purposes, moreover, may and frequently do involve a substantial investment and often rely upon glowing, if not exaggerated, claims for their results. The section, therefore, is of considerable importance to the public in affording protection against fraudulent exploitation of worthless things.

Section 20. Where a standard has been prescribed for a device, no person shall label, package, sell or advertise any article in such a manner that it is likely to be mistaken for such device, unless the article complies with the prescribed standard.

Although under the 1920 Act, which includes a device in the definition of a drug, it would be possible to make standards of quality for devices, no standards have been made. It is not considered likely that any extensive or elaborate standards will either be needed or provided for devices.

Section 18, which prohibits the sale of injurious or potentially injurious devices, as well as Section 19, which prohibits deceptive and fraudulent claims or practices, are likely of themselves to provide sufficient protection to the

consumer without any necessity for the establishment of standards. If, however, the needs of a particular situation are such as to require the making of a standard to promote honesty and fair dealing in the manufacture and sale of devices, then the section will prevent passing off of a substandard, imitation or substitute device to the deception and detriment of the purchaser.

PART II

Administration and Enforcement

Section 21 is taken from and retains the purpose and intent of Sections 11, 14, 30, 31, 32 and 33 of the 1920 Act, which directly or indirectly deal with and provide for the powers and duties of inspectors.

The section does not require extensive comment except to point out certain matters wherein the present provisions are either extended or supplemented.

Section 21. (1) An inspector may at any reasonable time

- (a) enter any place where on reasonable grounds he believes any article to which this Act or the regulations apply is manufactured, prepared, preserved, packaged or stored, examine any such article and take samples thereof, and examine anything that he reasonably believes is used or capable of being used for such manufacture, preparation, preservation, packaging or storing;

This clarifies the authority of an inspector with respect to his right of entry but at the same time imposes necessary limitations on this right. In the first place, his right of entry is limited by the phrase "at any reasonable time"; in the second place, he must have reasonable grounds to believe that there is in a place something to which the Act applies; and thirdly, the place must be in the nature of a place of business as distinguished from a purely private house or dwelling. It was felt that subject to these limitations or conditions the right of an inspector should be placed beyond any question if he is to carry out his responsibilities in the enforcement and administration of the Act. It was considered, moreover, that no question should arise as to whether an inspector must seek any consent or permission from the owner or other person in charge of premises before he is legally entitled to enter and carry out his responsibilities. Subsection (a) is intended to make this clear.

It will be noted that no detailed procedure is set forth respecting the taking of samples. It was found that the 1920 Act in attempting to do this has not covered all cases and moreover many absurd situations arise under it. The procedure will therefore be covered by appropriate regulations which will permit of some flexibility to provide for all types and kinds of cases. The procedure, however, will not be different under regulations than is presently followed by the inspectors in procuring samples and dividing them into three parts, one of which will be left with the vendor.

Section 21. (1) An inspector may at any reasonable time

- (b) open and examine any receptacle or package that on reasonable grounds he believes contains any article to which this Act or the regulations apply;

This provision merely extends the authority which is given in the preceding subsection, which authorizes the right of entry. The right to open and examine receptacles and packages is, of course, a corollary to the right of entry.

Section 21. (1) An inspector may at any reasonable time

- (c) examine any books, documents or other records found in any place mentioned in paragraph (a) that on reasonable grounds he believes contain any information relevant to the enforcement of this Act with respect to any article to which this Act or the regulations apply and make copies thereof or extracts therefrom;

This provides an authority that is not squarely contained in the 1920 Act but which is thought to be an essential authority to give to an inspector, but with certain limitations imposed to prevent any possible abuse.

This deals with the right of an inspector to examine books, documents or other records, and to make copies or extracts therefrom. This again is a corollary to the right of an inspector to enter a place to take samples and to open receptacles and packages found therein. The present right of an inspector, however, to examine books and documents without first seeking permission or authority from the owner or person in charge of premises is open to question. If the inspector is to carry out efficiently his duties and responsibilities, he should be given sufficient authority to discharge everything that is involved therein and without in any way being dependent upon permission or authority extended by an owner or otherwise forced to seek any judicial authority. This is particularly so because the individual who may have something to conceal is the one who is least likely to consent to an examination if his consent is needed and the ethical person who has nothing to conceal would in any event likely give his consent thereto.

The section imposes certain limitations which are thought desirable in the interests of persons engaged in the manufacture, storage, distribution or sale of articles to which the Act applies. The general authority to examine records is, therefore, limited by the words

"on reasonable grounds he believes contain any information relevant to the enforcement of this Act".

These words are considered not only to give an indication to the inspector but also to provide a protection to the owner with respect to the kind of records that are subject to such examination. Confidential information, therefore, of manufacturing costs or profit figures, together with other information which may be important from a taxation point of view, would not be within the kind of information to which an inspector is entitled to have access. It might, of course, occur that in connection with tracing the distribution of a product and particularly where any health factor would be involved, that an inspector would need to examine records of manufacture, as well as records of distribution. In general, however, his purpose in examining records would have nothing to do with the kind of information which a firm might feel should not be the subject of examination without consent.

Section 21. (1) An inspector may at any reasonable time

- (d) seize and detain for such time as may be necessary any article by means of or in relation to which he reasonably believes any provision of this Act or the regulations have been violated.

This authority is not new but is to some extent clarified in the interests of the owners of goods, in providing some limitation on the time during which a seizure may be maintained. It was not felt that any time limit in point of days, weeks or months could successfully be devised, but on the other hand it was felt as in the case of the other sections that there should be included some words which would serve as an indication to the inspector and, at the same time, as a protection to the owner, that goods might not be kept under detention for an unnecessary time.

Section 21. (2) For the purposes of subsection (1), the expression "article to which this Act or the regulations apply" includes

- (a) any food, drug, cosmetic or device,
- (b) anything used for the manufacture, preparation, preservation, packaging or storing thereof, and
- (c) any labelling or advertising material.

This subsection is intended as a clarification of the phrase

"article to which this Act or the regulations apply"

and which is used in a number of the paragraphs of subsection (1). It, moreover, is intended to identify specifically matters which ought properly to be

within the authority of the section but which, without some clarification, might be debatable. For example, the examination or seizure of labelling or advertising material that had not been utilized in connection with the packaging or selling of an article but which from its very nature is obviously intended for such purpose, would be open to question if it were not specifically included in this definition.

Section 21. (3) An inspector shall be furnished with a prescribed certificate of designation and on entering any place pursuant to subsection (1) shall if so required produce the certificate to the person in charge thereof.

There is no authority in the 1920 Act either authorizing or requiring any certificate of identification or any other designation of an inspector's office. Inspectors, however, do carry identification cards and they are customarily furnished with a certificate of appointment pursuant to a regulation made under the authority of the 1920 Act. It was, however, felt that with additional clarification of the powers, duties and functions of an inspector that there should be some statutory provision for his badge of authority rather than that an important matter of this kind be left to regulatory control.

Section 21. (4) The owner or person in charge of a place entered by an inspector pursuant to subsection (1) and every person found therein shall give the inspector all reasonable assistance in his power and furnish him with such information as he may reasonably require.

This is directly taken from Section 30 of the 1920 Act but without setting forth all of the explanatory detail that is given in that section. It will be seen that there are two things involved in this authority. The first refers to the furnishing of assistance and the other to the furnishing of information. The furnishing of assistance would in ordinary circumstances involve provision of light, unlocking of doors, perhaps some assistance in moving packages and opening packages, as well as making available records and other documents. The other part of the authority involves the furnishing of information and this, of course, would be information other than that which the inspector is entitled to obtain through having access to books, records and documents. This, however, would not authorize an inspector to demand anything which is not directly necessary and relevant to the enforcement of the Act such as manufacturing details which are of a secret kind and not directly identified with the purpose of the inspector's visit.

Section 21. (5) No person shall obstruct an inspector in the carrying out of his duties under this Act or the regulations.

This again is taken from Section 30 of the 1920 Act with some revision, but without any change in the principle that is therein contained. It requires no explanation.

Section 21. (6) No person shall knowingly make any false or misleading statement either verbally or in writing to any inspector engaged in carrying out his duties under this Act or the regulations.

This authority is contained in principle in Section 30 of the 1920 Act although it has no exact counterpart in language in that section. The word "knowingly" was added to the section pursuant to representations which were made at the time the Act was under consideration in the Senate. This was put in so that there could be no misunderstanding that an honest mistake would subject an individual to any penalty for violation of this provision.

Section 21. (7) No person shall remove, alter or interfere in any way with any article seized under this Act without the authority of an inspector.

This is taken from Section 31 of the 1920 Act and requires no detailed explanation.

Section 21. (8) Any article seized under this Act may at the option of an inspector be kept or stored in the building or place where it was seized or may at the direction of an inspector be removed to any other proper place.

This is taken from Section 32 of the 1920 Act with some suitable revision and clarification. It does not require any detailed explanation.

Forfeiture

Section 22 is new in part and extends in two ways the provisions of Sections 11 and 24 of the 1920 Act. These have been discussed in Chapter 10 commencing at page 194. The new provisions will be more fully discussed in connection with the particular subsections of the section.

Section 22. (1) An inspector shall release any article seized by him under this Act when he is satisfied that all the provisions of this Act and the regulations with respect thereto have been complied with.

This is taken from Section 11 of the 1920 Act but with an important change in that it makes the release of the goods mandatory when the provisions of the Act have been met. Administratively, such release has been regarded as mandatory under these circumstances but the 1920 Act does not so provide.

Section 22. (2) Where an inspector has seized an article under this Act and the owner thereof or the person in whose possession the article was at the time of seizure consents to the destruction thereof, the article is thereupon forfeited to Her Majesty and may be destroyed or otherwise disposed of as the Minister may direct.

This reflects an important change in the procedure relating to the forfeiture and destruction of offending articles as it is dealt with under the 1920 Act.

Section 24 of the 1920 Act provides for forfeiture on the basis of the report of a Dominion Analyst and the exercise of ministerial discretion as to the disposition of the goods. There is given to the owner no right of challenge of or appeal from the exercise of such discretion and the disposition of property interests in such goods depends entirely upon the administrative procedure which is invoked through the operation of Section 24.

It was not felt that this gave sufficient safeguard to owners of property which might be of great value. The provisions, therefore, of subsection (2) limit the right of automatic forfeiture and disposition to circumstances wherein the owner of the goods or the person in whose possession they were consents to such action being taken. On the basis of the experience which the Department has had, it is not thought that there will be many seizures involving forfeiture and possible destruction where the owner will refuse to consent to the action proposed. There have been relatively few cases where any party having an interest in goods has complained of the administrative procedure that was followed. This, of course, is principally because of the care which has been taken to avoid hardship or loss wherever a salvage can be made by the owner.

For cases, however, where the owner does not consent, there is special procedure provided in subsection (4) and this will be separately discussed in connection with that subsection.

Section 22. (3) Where a person has been convicted of a violation of this Act or the regulations, the court or judge may order that any article by means of or in relation to which the offence was committed or anything of a similar nature belonging to or in the possession of the accused or found with such article, be forfeited, and upon such order being made, such articles and things are forfeited to Her Majesty and may be disposed of as the Minister may direct.

This provision is new and is intended to put at rest what has been a somewhat difficult and often contentious point. It frequently occurs that court action is taken under the 1920 Act with respect to a sample that is either adulterated

or misbranded and the question then arises as to whether the conviction by the court carries with it sufficient authority to deal with other goods of the same character and which are subject to the same defect as that which has been involved in the proceedings. The better view has been that a conviction does not so affect other goods that are not directly before the court and even with respect to those goods which are before the court there can be raised substantial questions as to the right of the court to deal with them in the absence of direct authority being given. The situation has, therefore, required a combination of judicial action insofar as the accused is concerned and administrative procedure with respect to the offending goods.

It has been felt that the fact of a conviction order itself should give the authority to the court to direct the forfeiture of other offending goods belonging to the accused and which are open to the same objection as were the goods which have been the subject of the action. This subsection, therefore, is intended to settle this point and to make it possible for the court in the one order and in the same proceedings to make an entire disposition not only of the particular sample which is before the court, but also of other goods from which the sample was taken and which are also defective.

Section 22. (4) Without prejudice to the operation of subsection (3), a judge of a superior, county or district court of the province in which any article was seized under this Act may, on the application of an inspector and on such notice to such persons as the judge directs, order that the article and anything of a similar nature found therewith be forfeited to Her Majesty to be disposed of as the Minister may direct, if the judge finds, after making such inquiry as he considers necessary, that the article is one by means of or in relation to which any of the provisions of this Act or the regulations were violated.

This section is new and is designed to complement the provisions of subsection (2) which authorize administrative seizure and forfeiture upon the consent of the owner.

As has been pointed out, the 1920 Act does not make any provision for other than administrative seizure and forfeiture with the disposition of the goods to follow in accordance with the exercise of ministerial discretion. As has elsewhere been pointed out, it was not thought that this procedure was satisfactory either from the point of view of the officers of the Department who are reluctant to be put in the position of recommending the forfeiture of goods in all circumstances where there is no right of appeal as well as from the point of view of the owner who is denied access to judicial determination of his property rights. It was not thought, however, that it would be necessary in the interests of owners or desirable from the point of view of enforcement to require in all instances a judicial determination of whether or not goods were in conformity with the Act. The effect, therefore, of subsections (2) and (4) is to combine the simple flexibility and convenience of the administrative seizure process with the desirability of judicial determination where the owner does not consent to administrative action. This combination thus has regard to the efficiency and expediency of administrative action, but at the same time, provides to an owner of goods a sufficient safeguard of his interests. As has been pointed out, there has been no complaint of the exercise of the administrative discretion which is provided under the 1920 Act, but at the same time, it was thought desirable to give to an owner the additional privilege or safeguard of having any question involving the forfeiture of his interest in goods being decided by judicial process as is normally considered the right of every individual under modern judicial systems.

Section 23. (1) An inspector may submit any article seized by him or any sample therefrom or any sample taken by him to an analyst for analysis or examination.

(2) Where an analyst has made an analysis or examination he may issue a certificate or report setting forth the results of his examination or analysis.

This is taken from Section 16 of the 1920 Act which provides for the submission of a sample to the Department for the purpose of analysis and the issue of a certificate of analysis by an analyst who is required to state whether or not the article is adulterated or misbranded. Section 16 also provides for the use in court of such a certificate and for the evidential value which it should have.

The new section merely authorizes an inspector to submit an article or a sample to an analyst for analysis or examination by him and for the analyst to issue a certificate or report setting forth the results found. The evidential value to be given to a certificate is now dealt with in Section 29(1).

The change from the present rather detailed procedure to that proposed by the new section is considered to be desirable because no longer does the word "adulteration" have the same meaning as is given in the 1920 Act and the word "misbranding" is, as has been previously discussed, deleted from the legislation. It was felt, moreover, that an analysis is only proper in connection with an article which is capable of either a qualitative or quantitative analysis and this word is not appropriate to the visual examination of a label or a package. The new section, therefore, provides for either an analysis or an examination, as the case may be.

It will also be seen that an inspector is not required to submit an article for analysis nor is an analyst required to issue a certificate or report. The use of the word "may" in subsection (1) and subsection (2) is, therefore, intentional because many articles which are examined by an inspector can, without submission to an analyst, be approved as being within the provisions of the Act. It would, therefore, not be in the interests of an owner to require goods in all circumstances to be submitted to an analyst. Similarly, the majority of the analyses or examinations performed by an analyst will indicate that the goods are not defective in any way and, consequently, there would be no need for the analyst to make a formal certificate or report in each case. A mandatory requirement that an analyst must issue a certificate or report would unduly delay the work in the Department and would not provide any commensurate benefit to the person from whom the sample may have been taken.

Regulations

Chapter 6, commencing at page 157, has discussed in detail the subject of delegated legislation as being a popular and effective device in modern legislation in Canada. It is not necessary to discuss in connection with Section 24 of the 1953 Act the convenience and the purpose of the authority to make regulations. Enough has been said in Chapter 6 in this connection and in other chapters the kind of regulations which are made have been discussed under the various headings as, for example, at page 172 in the case of food standards, and in Chapter 9 in connection with misbranding, labelling and advertising of food and drugs.

It may be proper, however, to point out that Section 24 is perhaps one of the most important sections of the 1953 Act in that it provides the authority by which the detail and, in many instances, the substance of the legislation is implemented. While the new legislation will require a revision of the present regulations, it is thought that the revision will be one of re-arrangement and perhaps change of language rather than any change in the principle or the substance of the present regulations. The procedure which has in the past been followed in the making of regulations, will be continued in connection with any revision of the regulations which may be necessary to bring them into conformity with the changes made in the 1953 Act. References to adulteration and misbranding will be corrected, there will be some regulations to deal with certain substances, the use of which will adulterate a food or a drug, and there will be required some changes in the present regulations as they relate to the licensing of manufacturers. These, however, are all in the nature of formal changes and will not affect any practices or operations that are within the existing regulations.

Section 24. (1) The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect, and, in particular, but not so as to restrict the generality of the foregoing, may make regulations.

It may be pointed out that the section, as does Section 3 of the 1920 Act, in addition to specifying a number of matters concerning which regulations can be made, also gives to the Governor in Council authority to make regulations for carrying the purposes and provisions of the Act into effect.

It has been made abundantly clear that the purpose of the Act is to protect the consuming public against injury from foods, drugs, cosmetics and devices, and from fraud in their manufacture and sale. There is thus inherent in the authority a definite limitation on the kind of regulations which can be made. In addition, of course, to this general control there is also set forth in certain of the paragraphs phrases respecting prevention of deception and injury to health which specifically identify the kind and purpose of regulations which the paragraph authorizes. These are rather by way of assurances in specific matters rather than because of any necessity.

It may be useful to comment briefly or in some detail, as the case may be, on the authority which is so given to the Governor in Council to make specific regulations under the various paragraphs of subsection (1) of Section 24.

Section 24. (1)(a) declaring that any food or drug or class of food or drugs is adulterated if any prescribed substance or class of substances is present therein or has been added thereto or extracted or omitted therefrom;

The purpose and scope of this authority was to some extent discussed in connection with the word "adulteration" in the comments to Section 4(d). Its use will largely be in connection with regulations applicable to foods and to some extent drugs for which no specific standard is prescribed, but where it is necessary, to make some provision respecting certain prescribed substances or ingredients. In looking at Section 3(k) of the 1920 Act, it will be seen that there is authority to make regulations prohibiting the sale or defining the conditions of sale of any substance which may be injurious to health or restricting the use of such an ingredient in the manufacture of a food or drug. While the violation of a regulation so made might not in all cases bring the food or drug within the prohibition of adulteration, its practical effect would be not unlike a regulation made under Section 24(1)(a) because it is not likely that regulations will be made for prescribed substances on other than health grounds.

Section 24. (1)(b) respecting

- (i) the labelling and packaging and the offering, exposing and advertising for sale of food, drugs, cosmetics and devices,
- (ii) the size, dimensions, fill and other specifications of packages of food, drugs, cosmetics and devices,
- (iii) the sale or the condition of sale of any food, drug, cosmetic or device, and
- (iv) the use of any substance as an ingredient in any food, drug, cosmetic or device,

to prevent the consumer or purchaser thereof from being deceived or misled as to its quantity, character, value, composition, merit or safety or to prevent injury to the health of the consumer or purchaser;

This paragraph reflects a consolidation and revision of Sections 3(b), (j) and (k) of the 1920 Act under which regulations have been made respecting packaging and labelling of foods and drugs as well as conditions of sale of drugs and the restriction of the use of injurious or potentially injurious ingredients in both food and drugs.

The provisions of sub-paragraph (b) of Section 24 of the 1953 Act substantially extend the scope and the type of regulation that can be made and provides some clarification through the division thereof into four classifications. It will

be observed, however, that irrespective of the detail provided that all such regulations are predicated on the need to protect the public against injury to health as well as against fraud or deception. The purpose of these regulations was not thereby intended to alter in any way the general purpose of the Act or to lessen the emphasis of that purpose in relation to any particular authority that is given thereby. These words were, however, included in order to make more abundantly clear that there were limitations imposed on regulations which by their very nature are wide and must have general application to manufacturing, labelling and advertising practices. The purpose, therefore, of the specific limitations under these governing words would provide some satisfactory assurance to manufacturers and vendors of articles that the point was doubly emphasized in the legislation.

It is not necessary to comment in detail on the provisions of the four subdivisions of sub-paragraph (b) as they are considered to be sufficiently self-explanatory.

Section 24. (1)(c) prescribing standards of composition, strength, potency, purity, quality or other property of any article of food, drug, cosmetic or device;

This is taken from Section 3(a) of the 1920 Act with some rearrangement and revision to provide clarification of what factors are considered relevant in establishing a standard.

The present authority insofar as foods are concerned, has been discussed in Chapter 7 commencing at page 163 and insofar as drugs are concerned in Chapter 8 commencing at page 176. It will be observed that in sub-paragraph (c) of Section 24 of the 1953 Act the word "quality" is only one of the various factors to be considered in making a standard and there is now provided some criteria for the use or presence of particular ingredients in an article. It should be noted that the reference to standards of quality under the Meat and Canned Foods Act which is specifically mentioned in Section 3(a) of the 1920 Act is dropped. The purpose of the Meat and Canned Foods Act is, of course, different from that of the Food and Drugs Act and, moreover, its geographical jurisdiction or application is considerably more restricted. It was considered inappropriate, therefore, to have food standards subordinate in any way to the authority of an Act which was not only different in purpose but limited in its jurisdictional application. From a practical point of view, however, it is not thought that the deletion of the reference to the Meat and Canned Foods Act will result in any conflict between the administration of the two Acts nor will result in any difference in the subject of standards as they may be respectively dealt with under the two Acts.

Section 24. (1)(d) respecting the importation of foods, drugs, cosmetics and devices in order to ensure compliance with this Act and the regulations;

This is taken from Section 3(f) of the 1920 Act which authorizes regulations for the disposal of import shipments of food or of drugs which are refused entry into Canada under Section 12 thereof. That section, it will be recalled, deals with the examination at Customs of food and drugs for which entry into Canada is sought. The section provides that a food or drug which is found to be adulterated or misbranded may not be admitted into Canada for use as a food or drug. The purpose of the regulations which have been made under the authority of Section 3(f) of the 1920 Act as discussed in Chapter 10 commencing at page 198 is to provide some procedure for taking care of shipments that have been brought into the country but which cannot legally be cleared in their present form for use as foods and drugs. Rather than attempt to set forth in the Act itself only certain provisions with respect to the conditions under which imported goods might be entered and to provide by regulations for the disposal of goods which are not permitted entry, it was decided to deal with the whole subject by regulations. This would permit of an effective procedure to ensure that goods which are imported into Canada would be in conformity with the

requirements of the Act and at the same time would avoid procedural delays in the dealing with or handling of such goods. It often happens, as has been pointed out, that goods for which entry is sought may fail in some particular or other to conform to the strict or literal requirements of the Act or the regulations. Considerable administrative leeway has always been exercised in attempting to avoid financial hardship on the importer of such goods or the owner thereof. Where the defect is one that can be corrected, as for example, some technical defect in a label, the goods may be given conditional entry on the undertaking that future shipments will conform to the Act or the goods may be released from Customs in order that the necessary correction can be made. It is felt that the authority to deal with the whole subject of importation by means of regulations will permit of a more satisfactory way of handling situations where goods are not in conformity with the Act but can be brought into conformity with it without undue hardship.

It is anticipated, therefore, that somewhat extensive regulations will be made which will provide the necessary integration between the responsibility of the Customs service and the responsibility of the Food and Drugs Division to permit of the easy entry into the country of articles of drugs which are subject to the Act and at the same time to ensure their compliance with its provisions.

Section 24. (1)(e) respecting the method of preparation, manufacture, preserving, packing, storing and testing of any food, drug, cosmetic or device in the interest of, or for the prevention of injury to, the health of the consumer or purchaser;

This authority is new and provides for the making of regulations subject, of course, to the limitation that such regulations must be in the interest of or for the prevention of injury to the health of the consumer or purchaser. It does not, therefore, confer power to make regulations of a general nature which would affect manufacturing processes or other matters wholly within the responsibility of the manufacturer or distributor. There do arise, however, and particularly in the case of certain drugs, dangers which can only be avoided through the adoption of particular manufacturing, preserving, packing, storing or testing procedures. It would be in this connection that the authority would be exercised.

It might, of course, occur and in many cases would, that under the authority to make regulations elsewhere contained in the section, these factors could be dealt with either directly or indirectly. It was thought preferable, however, at the risk of some duplication of this authority to make direct provision in this regard rather than be forced to adopt indirect procedures or devices to ensure that an article would not by reason of its method of manufacture or distribution constitute a danger or threat to the health of the consumer.

To give an illustration, regulations have been made under the 1920 Act which deal with the handling of cheese in such a way as to minimize or reduce the risk of contamination with typhoid. These regulations are different to those which provide standards of quality and are supported by the authority to impose conditions of sale under Section 3(j) of that Act. It was felt, however, it would be more appropriate to have direct authority to make regulations respecting various phases of cheese manufacture, holding, storing and selling, rather than to be forced to rely on the authority given in a variety of provisions. The practical result, of course, will not be different in the case of cheese to the regulations that are presently in force but would be more directly related to a specific authority.

Similarly in the case of radioactive substances, the authority which is thus given may be very useful. By way of further illustration B.C.G. vaccine is a highly dangerous drug and a great factor in its safe use will depend upon its method of manufacture. It would be an appropriate use of this authority to make regulations specifically dealing with this drug as well as with other drugs where safety factors may be involved.

Section 24. (1)(f) requiring persons who sell food, drugs, cosmetics or devices to maintain such books and records as the Governor in Council considers necessary for the proper enforcement and administration of this Act and the regulations;

The comments which are made with respect to this authority will supplement what has been said with respect to Section 21(1)(c).

Generally speaking, all manufacturers and distributors keep books and records for their own purposes as well perhaps as may be required under some statutory authority. The books and records, however, which a manufacturer might keep while ordinarily sufficient for his purposes might not in certain circumstances provide the detailed information that is necessary for the purpose of the enforcement and administration of the Act. By way of illustration, cheese unless suitably processed or stored can present a serious danger to the public through contamination with typhoid. Regulations are provided which are intended to deal with this threat and the measures which must be taken to avoid it. It would, of course, be quite impossible to enforce these necessary regulations unless the manufacturers of the cheese were required to keep information respecting the kind of raw materials that are used, the source of the ingredients and particulars with respect to storage of the cheese, including temperature controls. In the case of cheese which is not appropriately stored, then it becomes necessary to have information with respect to its distribution to ensure that it will not be available to the public until all risk has disappeared. This, of course, is only an illustration of a situation where the usual records might not in all respects be sufficient to provide the information that is required.

Apart from circumstances where particular information may be essential, the authority would not likely involve any additional administrative onus or inconvenience upon manufacturers who otherwise keep suitable books and records covering their business operations. As has been elsewhere pointed out, the purposes of regulations so made are, of course, limited to matters necessary for the enforcement and administration of the Act. Except as might be incidentally involved, these records would not relate to profit figures, to trade secrets or other matters which are wholly of concern to the manufacturer or distributor and of no concern in the enforcement and administration of the Act.

While there is no clause in the Act itself which requires information obtained under its provisions to be kept secret, every employee in the Public Service of Canada is required to take an oath of office which itself pledges him to secrecy in connection with information which he receives in the course of his duties. This point has from time to time been raised by manufacturers as to whether or not there should be some additional stipulation imposed on employees, but as no situation has ever developed wherein a manufacturer has been unfairly prejudiced by the absence of such a provision, it was not thought desirable to attempt to impose any specific restriction. The responsibility which must be exercised by officials would be unduly fettered or restricted if in each case he was required to test his use of information against the provisions of a sanction in the Act.

Any records, therefore, which are required to be kept under this authority will be subject to the limitation that they must be necessary for the proper enforcement and administration of the Act and, of course, information therefrom will be subject to the oath of secrecy which all government employees are required to take.

Section 24. (1)(g) respecting the form and manner of the Minister's indication under section 12, including the fees payable therefor, and prescribing what premises or what processes or conditions of manufacture, including qualifications of technical staff, shall or shall not be deemed to be suitable for the purposes of that section;

Section 24. (1)(h) requiring manufacturers of any drugs described in Schedule E to submit test portions of any batch of such drugs and respecting the form and manner of the Minister's indication under Section 13, including the fees payable therefor;

This authority has been substantially commented on in connection with Sections 12 and 13 of the 1953 Act and at page 178 where the requirements of the 1920 Act as regards licensing are discussed.

The significant change which, of course, is made under the 1953 Act is that any reference to an issue of a license is avoided. In substitution for this, however, there is the requirement for the Minister's indication of approval and for practical purposes this will replace the license. It is not anticipated that the regulations to be made under the authority of sub-paragraphs (f) and (g) will be substantially different from the regulations that are presently in force and which deal with suitability of premises, competency of personnel, safety of drugs, submission of test batches and other factors considered desirable having regard to the dangers inherent in the kind of drugs to be made subject to those regulations.

Section 24. (1)(i) not inconsistent with this Act, respecting the powers and duties of inspectors and analysts and the taking of samples and the seizure, detention, forfeiture and disposition of articles;

This is a revision of Section 3(c) of the 1920 Act which authorizes regulations being made to prescribe the duties of inspectors.

In addition to the regulations which are presently in force it is proposed to make specific provision for the manner in which samples are to be procured, the division of samples with one portion being left with the vendor, the procedural steps involved in a seizure, detention or forfeiture and the subsequent disposition of such goods.

The reason for the inclusion in this sub-paragraph of the words "not inconsistent with this Act" is because Section 21 to some extent deals with the duties of an inspector and to avoid any question as to which authority would prevail, the above quoted limiting words are inserted.

Apart from the detailed procedure to be adopted in the taking of a sample and the submission of the requisite portion thereof for analysis, such regulation would be largely of an administrative character. They would also serve as a guide to inspectors as well as to provide information to the public respecting the duties which an inspector is required to perform.

Because of some emphasis placed on the deletion from the Act itself of the detailed procedure which is presently contained in Sections 14, 15, 16, 17 and 18 of the 1920 Act, respecting the taking of samples, analyses and the procedure required to be followed in challenging a certificate, it might be appropriate to give some explanation of this.

These sections set forth in considerable detail what originally was thought to be the usual steps to be followed in this connection. This procedure has been made the subject of some discussion in Chapter 10 commencing at page 194. As is pointed out, however, the procedure which is commonly followed does not conform to the procedure contemplated and, moreover, the division in all cases of a sample into three parts gives rise to difficulty. The change in the procedural steps results largely from the increase in the quantities of pre-packaged foods which are available in contrast to the former practice of purchasing from bulk. In bulk purchases the division of a sample into three parts was, of course, a reasonable and convenient way of ensuring that the vendor would have a portion for purposes of his own analysis of the sample which might be made the subject of a complaint. In the case, however, of packaged foods, this is no longer feasible and the usual practice is to purchase three packages of an article. Here, however, there is the necessity to be sure that they are of the same batch and if this is not ascertainable, then it follows of course that the portion to be left with the vendor may give an entirely different analytical result from the portion that is analyzed. There is also the complication that a label is not divisible into three parts and in many instances there is no necessity to purchase three articles because at the time of purchase the vendor can take the necessary steps himself for his protection in the matter of retaining a copy of the label or of otherwise providing some identification of it. For these and other reasons, it was therefore

considered preferable to avoid setting forth a lengthy and detailed procedure in the legislation itself and to leave the entire subject to be dealt with by regulations which can be adapted to the realities of all situations which arise where samples require to be taken and the vendor given satisfactory protection in terms of having available something which he can use on his own behalf should the matter require to be dealt with in court.

Section 24. (1)(j) exempting any food, drug, cosmetic or device from all or any of the provisions of this Act and prescribing the conditions of such exemption;

This is taken from Section 3(1) of the 1920 Act.

There may of course be articles to which the Act technically would apply, but here the interests of the public do not require such articles to be subject to all of its provisions. For example, toilet soaps would come within the definition of a cosmetic but it is unlikely that toilet soaps will be made subject to all of the provisions of the Act. This of course would not mean that toilet soaps could be sold if they contained deleterious or injurious substances or that they would not need to carry the name and address of the manufacturer on the label. They might properly, however, be exempt from certain label requirements such as a list of ingredients and perhaps a statement of net weight.

Again, in connection with the provisions of Section 4(a) which prohibits the sale of a food having in or upon it *any* poisonous or harmful substance, it is not always possible under the best manufacturing practices to avoid trace amounts of things which would technically bring the food within this prohibition. Some exempting authority would, therefore, be provided to deal with trace amounts of such substances with, of course, the provision of limits within which the food would not be in violation of this provision. This is dealt with in Division 15 of Part B of the Regulations under the 1920 Act which sets forth limits calculated in parts per million of certain substances the presence of which in such amounts is deemed not to adulterate a food. It could, of course, be provided under the authority of Section 24(1)(a) that such substances in excess of those permitted would be prescribed substances and thus automatically adulterate a food. It would more likely happen, however, that this subject would be dealt with by means of the exempting authority, although it could also be done in the above as well as perhaps other ways.

Section 24. (1)(k) prescribing forms for the purposes of this Act and the regulations;

Various forms are used for a number of purposes under the 1920 Act. These, however, do not rest upon any statutory or regulatory provision and it was considered appropriate that such provision be made. The authority which is now given will merely validate the use of forms which are presently in use and is not likely to result in any substantial changes being made.

Section 24. (1)(l) providing for the analysis of food, drugs or cosmetics other than for the purposes of this Act and prescribing a tariff of fees to be paid for such analysis;

This is taken from Section 3(d) of the 1920 Act with some revision. A great deal of analytical work is done in the Department of National Health and Welfare for other departments of government. In particular, work is done for the Department of Agriculture and for the Royal Canadian Mounted Police in the enforcement of the Opium and Narcotic Drug Act, as well as in the enforcement of the Excise Act. It was thought useful to have authority to make some procedural regulations to govern this part of the work which cannot be said to relate to the enforcement of the Food and Drugs Act. The effect, therefore, of this provision is rather interdepartmental and is not likely to have any application to the public at large. It could of course happen that regulations would authorize the making of analyses for the public but it is most unlikely that the Department

would assume the responsibilities involved in this kind of work, nor would they have the facilities to do so without very considerably enlarging its present operations.

Section 24. (1)(m) adding anything to any of the Schedules, in the interest of, or for the prevention of injury to, the health of the consumer or purchaser, or deleting anything therefrom.

This is taken from Section 3(h) of the 1920 Act which authorizes the amendment of Schedules A and B which are the only two Schedules that the 1920 Act has. The 1953 Act, however, sets up a number of additional Schedules for various purposes and this provision is to permit of amendments being made to such Schedules from time to time as may be in the interest of, and for the prevention of injury to, the health of a consumer or purchaser.

An appropriate use of this authority would, of course, be the addition to Schedule A of some other disease or condition for which representations to the public in connection with the sale of a food, drug, cosmetic or device would be improper. Conversely, certain of the conditions which are now included in the Schedule might ultimately be deleted from it, depending of course upon whatever advances may be made by medical science.

Apart, of course, from Schedule A, the other Schedules provide illustration of the kind of drug which may be subjected to special regulatory control. This is a constantly changing list and it is essential that the Schedules be kept up-to-date and abreast of scientific discovery.

Section 24 (2) The Governor in Council may designate as an analyst or inspector any person on the staff of the department for such time as that person is employed in the department or for such time during the period of such employment as he may direct.

This makes some slight change from the authority which is contained in the 1920 Act but will not make any change in substance insofar as the qualifications of inspectors and analysts are concerned.

Section 25. Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable

- (a) on summary conviction for a first offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment, and for a subsequent offence to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment; and
- (b) on conviction upon indictment to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years or to both fine and imprisonment.

This replaces the penalty provisions which are contained in Sections 26, 30, 33(2), 35 and 37 of the 1920 Act.

Specific provision is now made by this section for the violation of a regulation which, as has elsewhere been pointed out, may be debatable under the 1920 Act. The section, therefore, puts the violation of a regulation in the same category as the violation of a statute.

An offence committed may be dealt with under the 1953 Act in one of two ways. It may be dealt with on summary conviction which is the procedure provided under the 1920 Act and which has been commented on in Chapter 10 commencing at page 198. It also provides for such offences being dealt with upon indictment and this also is discussed briefly at page 199.

It will, of course, depend upon the nature of the offence, its seriousness and other factors as to whether the Crown would decide to proceed by indictment in lieu of proceeding by summary conviction. It would be undesirable that the procedure provided for more serious offences should be invoked for trivial

matters. At the same time there do arise instances where it rather would appear that certain violators regard a conviction and the payment of a fee somewhat in the nature of a license to carry on in defiance of the Act.

The difference in the procedure possible, coupled with an overall increase in penalties, is intended to discourage such practice as well as to permit of the penalty procedure having a greater deterrent effect on violations.

Section 26. A prosecution under paragraph (a) of section 25 may be instituted at any time within twelve months from the time the subject-matter of the prosecution arose.

The 1920 Act does not directly provide any limitation period within which a prosecution must be instituted. Because the present procedure is by way of summary conviction under Part XV of the Criminal Code the limitation period therein provided is applicable to offences under the Food and Drugs Act. The period so provided is six months and this on a number of occasions has been found to be unduly restrictive. This is particularly so where there is involved complicated analyses of an article, with perhaps reference to scientific agencies and perhaps some discussion with the manufacturer or vendor of the situation. The extension, therefore, from six to twelve months will give additional leeway in this regard and brings the situation in line with other comparable statutes.

Section 27. A prosecution for a violation of this Act or the regulations may be instituted, heard, tried or determined in the place in which the offence was committed or the subject-matter of the prosecution arose or in any place in which the accused is apprehended or happens to be.

This provision is new but is, however, a usual one in legislation of this kind. It is merely intended to facilitate the trial of offences where technical objections having no merit but based on jurisdictional or geographical difficulties might be presented.

Section 28. (1) Subject to subsection (2), in a prosecution for the sale of any article in contravention of this Act or the regulations, if the accused proves to the satisfaction of the court or judge that

(a) he purchased the article from another person in packaged form and sold it in the same package and in the same condition the article was in at the time he purchased it, and

(b) that he could not with reasonable diligence have ascertained that the sale of the article would be in contravention of this Act or the regulations,

the accused shall be acquitted.

(2) Subsection (1) does not apply in any prosecution unless the accused, at least ten days before the day fixed for the trial, has given to the prosecutor notice in writing that he intends to avail himself of the provisions of subsection (1) and has disclosed to the prosecutor the name and address of the person from whom he purchased the article and the date of purchase.

This is taken from Section 27 of the 1920 Act but with some revision.

Section 24 of the 1920 Act makes want of knowledge a defence in connection with the sale of any article of food or drug that is adulterated or misbranded. The intent of Section 28, however, is to limit such defence to packaged articles which are sold in the same package and in the same condition as originally purchased and where the contravention could not be ascertained with reasonable diligence.

The section makes very substantial change from the present provision in that it specifically provides that where the accused is able to comply with the requirements of the section he shall be acquitted. This differs from the present provision which involves a somewhat complicated procedure of charging the second vendor in the same proceedings and dealing with the whole matter at the one time. This, of course, was more feasible many years ago when the party

from whom the article was purchased was more likely in the same locality. Nowadays with packaged articles being brought in from other countries and distributed from one coast of Canada to the other, it does not always become feasible to bring in, in the same proceedings, an earlier vendor or vendors, as the case may be, whose place of business may be in a different part of the country. It was thought, therefore, that where the accused is able to bring himself within the section that this should justify an acquittal insofar as he is concerned, thus leaving it to the Department to take such action as it might be able against the party actually responsible for the violation. The requirement, therefore, as to appropriate notice being given by the accused, is to permit of some investigation being made and appropriate proceedings being taken if possible.

Section 29. (1) A certificate of an analyst stating that he has analyzed or examined an article or a sample submitted to him by an inspector and stating the result of his examination is admissible in evidence in a prosecution for a violation of this Act or the regulations, and is *prima facie* proof of the statements contained in the certificate; the party against whom it is produced may require the attendance of the analyst for the purpose of cross-examination; but no such certificate shall be received in evidence unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced, reasonable notice of such intention together with a copy of the certificate.

This is taken from Section 16 of the 1920 Act which provides for the admissibility of a certificate and its evidential value.

It is intended wholly to remove any arguments which are possible under the present section which, if literally followed, would lead to the procedure set forth in Sections 17 and 18 and which give to the certificate of the Chief Dominion Analyst a finality which may be wholly at variance with the evidence given by the analyst on cross-examination. It was, therefore, provided that the certificate should have *prima facie* value only and, moreover, at the request of the Canadian Pharmaceutical Manufacturers Association, the express protection of Section 16 of the 1920 Act was retained to provide for the attendance of the analyst for purposes of cross-examination.

The section, as it is now framed, is thought to preserve the best features of the procedure under the 1920 Act and to avoid the absurdities that are possible thereunder.

Section 29. (2) Proof that a package containing any article to which this Act or the regulations apply bore a name or address purporting to be the name or address of the person by whom it was manufactured or packaged is *prima facie* proof, in a prosecution for a violation of this Act or the regulations, that the article was manufactured or packaged, as the case may be, by the person whose name or address appeared on the package.

This provision is new and is merely a procedural device to avoid the necessity of calling witnesses for the proof of matters which *prima facie* should be resolved upon the production of a package containing the name and address of the person purporting to be the manufacturer or distributor. No prejudice is thought to be occasioned by the shifting of the onus in this regard because its production is *prima facie* proof only and if the manufacturer whose name appears is not, in fact, the manufacturer, he should not object to appearing and so proving. It would be most unlikely of course that this situation would ever arise because upon serving the manufacturer with the summons, he undoubtedly would look into the situation and if the goods were not, in fact, his goods, would discuss the matter with the Department and thus the point would undoubtedly come to light long before any necessity would arise of raising it in court.

Section 29. (3) In a prosecution for a violation of this Act or the regulations it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not he is identified or has been prosecuted for the offence.

This provision is new and again is intended to avoid the calling of an unnecessary witness and particularly where it may be difficult to identify the witness by name.

It will be seen, however, that it is necessary to prove that the offence was committed by an employee or agent even though he cannot be directly identified. By way of illustration, it might be difficult for an inspector to identify by name, or perhaps by detailed description, an employee in a large and busy store. The evidence, however, of the inspector respecting the circumstances under which he made the purchase, the name of the store, the production of a sales slip and other detail should be sufficient for the purposes of the charge and at the same time would enable the defendant to identify the employee in question.

Section 29. (4) In a prosecution for a violation of this Act or the regulations a copy of a record or an extract therefrom certified to be a true copy by the inspector who made it pursuant to paragraph (c) of subsection (1) of section 21 is receivable, in evidence and is prima facie proof of the contents thereof.

This provision is new but should not require any detailed comment. It should be related to the authority which is given to an inspector under Section 21 to make extracts from, or copies of records and documents which he is authorized to examine. It is a logical consequence from that authority to give to such copies or extracts prima facie evidential value.

Section 29. (5) Where a person is prosecuted under this Act for having manufactured an adulterated food or drug for sale, and it is established that

(a) the food or drug has by regulation been declared to be adulterated if any prescribed substance has been added thereto, and

(b) such person had in his possession or on his premises any such prescribed substance,

the onus of proving that the food or drug was not adulterated by the addition of such substance lies on the accused.

This provision is taken from Section 33 but with some necessary revision or modification due to the fact that the word "adulteration" now has a more restricted meaning than it has under the 1920 Food and Drugs Act. It will be seen that the use of the section is limited to circumstances where a prescribed substance is found in the possession, or on the premises of the accused.

The section somewhat modifies the provisions of Section 33 which gives to the inspector a semi-judicial function of demanding an explanation and being satisfied with it, as an alternative to a charge being laid. The new provision falls somewhat short, therefore, of the present provision in that it is limited to substances which are deemed by regulation to be prescribed substances. By way of illustration, the presence in a creamery of large quantities of vegetable oil would be sufficient to require some explanation by the owner. If vegetable oil were a prescribed substance for dairy products, as would likely be the case, then the onus would be upon the accused to explain why he required to have vegetable oil on premises where only dairy products were manufactured and in connection with which the use of vegetable oil would be prohibited.

Similarly, mineral oil in food plants, synthetic sweeteners such as saccharine and others in candy and soft drink plants, would, if these should be prescribed substances, be suitable illustrations of the employment of this section.

Section 30. This Act does not apply to any packaged food, drug, cosmetic or device, not manufactured for consumption in Canada and not sold for consumption in Canada, if the package is marked in distinct overprinting with the word "Export", and a certificate that the package and

its contents do not contravene any known requirement of the law of the country to which it is or is about to be consigned, has been issued in respect thereof in prescribed form and manner.

This is taken from Section 42 of the 1920 Act with some slight revision of language but with no change of substance.

It provides where goods manufactured in Canada are intended for export to another country and are not in violation of the requirements of the law of that country, such goods are exempted from the requirements of the Act.

This provision is somewhat controversial in that there are many who will argue that goods which could not legally be sold in Canada because they failed to conform to the provisions of the Act should not be permitted to be sold in other countries as being a product of Canada. As against this argument, there is of course the well recognized view that each country is expected to take care of its own requirements and that so long as goods are not permitted to leave Canada if they are in violation of the law of the country concerned, Parliament has gone as far as it reasonably, logically or legally can in protecting the integrity of Canadian products.

The section has been slightly revised to make more specific provision for the form and manner of the certificate which must accompany such goods to show that they do not violate the law of the country to which they are consigned. The usual procedure which has been followed in the past is to obtain a certificate from the Consulate, Legation or Embassy of the country concerned to cover the particular shipment and this has been accepted in the Department as being sufficient. A regulation would likely be made to validate this type of practice and perhaps to make alternative provision where it was not possible or convenient to obtain such certificate from any legal agency in Canada of the country concerned but where it is possible to obtain satisfactory evidence of another kind to support compliance with the law of that country of the goods in question.

Section 31. (1) This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

(2) If this Act comes into force before the day on which the Revised Statutes of Canada, 1952, come into force, then the Food and Drugs Act, chapter 76 of the Revised Statutes of Canada, 1927, is repealed on the day this Act comes into force and the Food and Drugs Act, chapter 123 of the Revised Statutes of Canada, 1952, is repealed on the day the Revised Statutes of Canada, 1952, come into force.

(3) If this Act comes into force on or after the day on which the Revised Statutes of Canada, 1952, come into force, then the Food and Drugs Act, chapter 123 of the Revised Statutes of Canada, 1952, is repealed on the day this Act comes into force.

It is provided that the Act shall come into force on a day to be fixed by proclamation by the Governor in Council. The proclamation will not likely be made until such time as the regulations presently in force have been re-examined and, where necessary, revised to be brought into conformity with whatever changes are necessary thereto by reason of changes or modifications under the 1953 Act. Subsections (2) and (3) of this section are consequential sections to make appropriate provision for the situation which may at that time exist in accordance with whether the Revised Statutes of Canada, 1952, are, or are not then in force.

FOOD AND DRUGS ACT

7th Session, 21st Parliament, 1 Elizabeth II, 1952, c. 38

AN ACT respecting Food, Drugs, Cosmetics and Therapeutic Devices.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short Title

Short title.

1. This Act may be cited as the *Food and Drugs Act*.

Interpretation

Definitions.

2. In this Act,

"Advertisement."

- (a) "advertisement" includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal of any food, drug, cosmetic or device;

"Analyst."

- (b) "analyst" means any person designated as a Food and Drug Analyst under subsection (2) of section 24;

"Cosmetic."

- (c) "cosmetic" includes any substance or mixture of substances manufactured, sold or represented for use in cleansing, improving or altering the complexion, skin, hair or teeth, and includes deodorants and perfumes;

"Department."

- (d) "department" means the Department of National Health and Welfare;

"Device."

- (e) "device" means any instrument, apparatus or contrivance, including components, parts, and accessories thereof, manufactured, sold or represented for use in the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in man or animal;

"Drug."

- (f) "drug" includes any substance or mixture of substances manufactured, sold or represented for use in
 - (i) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in man or animal,
 - (ii) restoring, correcting or modifying organic functions in man or animal, or
 - (iii) disinfection in premises in which food is manufactured, prepared or kept, or for the control of vermin in such premises;

"Food."

- (g) "food" includes any article manufactured, sold or represented for use as food or drink for man, chewing gum, and any ingredient that may be mixed with food for any purposes whatever;

"Inspector."

- (h) "inspector" means any person designated as a Food and Drug Inspector under subsection (2) of section 24;

"Label."

- (i) "label" includes any legend, word or mark attached to, included in, belonging to or accompanying any food, drug, cosmetic, device or package;

"Minister."

- (j) "Minister" means the Minister of National Health and Welfare;

"Package."

- (k) "package" includes any thing in which any food, drug, cosmetic or device is wholly or partly contained, placed or packed;

"Prescribed."

- (l) "prescribed" means prescribed by the regulations;

"Sell."

- (m) "sell" includes sell, offer for sale, expose for sale, have in possession for sale, and distribute; and

"Unsanitary conditions."

- (n) "unsanitary conditions" means such conditions or circumstances as might contaminate a food, drug or cosmetic with dirt or filth or render the same injurious to health.

PART I

Foods, Drugs, Cosmetics and Devices

General

No food, drug, etc., to be advertised or sold as a treatment, etc., for certain diseases.

3. (1) No person shall advertise any food, drug, cosmetic or device to the general public as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states mentioned in Schedule A.

Idem.

- (2) No person shall sell any food, drug, cosmetic or device

(a) that is represented by label, or

(b) that he advertises to the general public

as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states mentioned in Schedule A.

Food

Prohibited sales of food.

4. No person shall sell an article of food that

(a) has in or upon it any poisonous or harmful substance;

(b) is unfit for human consumption;

(c) consists in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance;

(d) is adulterated; or

(e) was manufactured, prepared, preserved, packaged or stored under unsanitary conditions.

Deception.

5. (1) No person shall label, package, treat, process, sell or advertise any food in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.

Idem.

(2) An article of food that is not labelled or packaged as required by the regulations, or is labelled or packaged contrary to the regulations, shall be deemed to be labelled or packaged contrary to subsection (1).

Where standard prescribed.

6. Where a standard has been prescribed for a food, no person shall label, package, sell or advertise any article in such a manner that it is likely to be mistaken for such food, unless the article complies with the prescribed standard.

Manufacture of food under unsanitary conditions.

7. No person shall manufacture, prepare, preserve, package or store for sale any food under unsanitary conditions.

Drugs

Prohibited sales of drugs.

8. No person shall sell any drug that

(a) was manufactured, prepared, preserved, packed or stored under unsanitary conditions; or

(b) is adulterated.

Deception.

9. (1) No person shall label, package, treat, process, sell or advertise any drug in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.

Idem.

(2) A drug that is not labelled or packaged as required by the regulations, or is labelled or packaged contrary to the regulations, shall be deemed to be labelled or packaged contrary to subsection (1).

Where standard prescribed.

10. (1) Where a standard has been prescribed for a drug, no person shall label, package, sell or advertise any substance in such a manner that it is likely to be mistaken for such drug, unless the substance complies with the prescribed standard.

Trade standards.

(2) Where a standard has not been prescribed for a drug, but a standard for the drug is contained in any publication mentioned in Schedule B, no person shall label, package, sell or advertise any substance in such a manner that it is likely to be mistaken for such drug, unless the substance complies with such standard.

Professed standards.

(3) Where a standard for a drug has not been prescribed and no standard for the drug is contained in any publication mentioned in Schedule B, no person shall sell such drug, unless

(a) it is in accordance with the professed standard under which it is sold, and

(b) it does not resemble, in a manner likely to deceive, any drug for which a standard has been prescribed or is contained in any publication mentioned in Schedule B.

Manufacture of drug under unsanitary conditions.

11. No person shall manufacture, prepare, preserve, package or store for sale any drug under unsanitary conditions.

Sale of certain drugs prohibited unless safe conditions.

12. No person shall sell any drug described in Schedule C or D unless the Minister has, in prescribed form and manner, indicated that the premises in which the drug was manufactured and the process and conditions of manufacture therein are suitable to ensure that the drug will not be unsafe for use.

Idem.

13. No person shall sell any drug described in Schedule E unless the Minister has, in prescribed form and manner, indicated that the batch from which the drug was taken is not unsafe for use.

Distribution of samples prohibited.

14. (1) No person shall distribute or cause to be distributed any drug as a sample.

Exception.

(2) Subsection (1) does not apply to the distribution of samples of drugs by mail or otherwise to physicians, dentists or veterinary surgeons or to the distribution of drugs, other than those mentioned in Schedule F, to registered pharmacists for individual redistribution to adults only or to a distributor in compliance with individual requests.

Cosmetics*Prohibited sales of cosmetics.*

15. No person shall sell any cosmetic that

- (a) has in or upon it any substance that may cause injury to the health of the user when the cosmetic is used,
 - (i) according to the directions on the label or accompanying such cosmetic, or
 - (ii) for such purposes and by such methods of use as are customary or usual therefor;
- (b) consists in whole or in part of any filthy or decomposed substance or of any foreign matter; or
- (c) was manufactured, prepared, preserved, packed or stored under unsanitary conditions.

Where standard prescribed.

16. Where a standard has been prescribed for a cosmetic, no person shall label, package, sell or advertise any article in such a manner that it is likely to be mistaken for such cosmetic, unless the article complies with the prescribed standard.

Manufacture under unsanitary conditions.

17. No person shall manufacture, prepare, preserve, package or store for sale any cosmetic under unsanitary conditions.

Devices*Prohibited sales of devices.*

18. No person shall sell any device that, when used according to directions or under such conditions as are customary or usual, may cause injury to the health of the purchaser or user thereof.

Deception.

19. (1) No person shall label, package, treat, process, sell or advertise any device in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, composition, merit or safety.

Idem.

(2) A device that is not labelled or packaged as required by the regulations, or is labelled or packaged contrary to the regulations, shall be deemed to be labelled or packaged contrary to subsection (1).

Where standard prescribed.

20. Where a standard has been prescribed for a device, no person shall label, package, sell or advertise any article in such a manner that it is likely to be mistaken for such device, unless the article complies with the prescribed standard.

PART II

Administration and Enforcement

Powers of Inspectors

Powers of inspectors.

21. (1) An inspector may at any reasonable time
- (a) enter any place where on reasonable grounds he believes any article to which this Act or the regulations apply is manufactured, prepared, preserved, packaged or stored, examine any such article and take samples thereof, and examine anything that he reasonably believes is used or capable of being used for such manufacture, preparation, preservation, packaging or storing;
 - (b) open and examine any receptacle or package that on reasonable grounds he believes contains any article to which this Act or the regulations apply;
 - (c) examine any books, documents or other records found in any place mentioned in paragraph (a) that on reasonable grounds he believes contain any information relevant to the enforcement of this Act with respect to any article to which this Act or the regulations apply and make copies thereof or extracts therefrom; and
 - (d) seize and detain for such time as may be necessary any article by means of or in relation to which he reasonably believes any provision of this Act or the regulations have been violated.

Definition.

(2) For the purposes of subsection (1), the expression "article to which this Act or the regulations apply" includes

- (a) any food, drug, cosmetic or device,
- (b) anything used for the manufacture, preparation, preservation, packaging or storing thereof, and
- (c) any labelling or advertising material.

Inspector to show certificate of appointment.

(3) An inspector shall be furnished with a prescribed certificate of designation and on entering any place pursuant to subsection (1) shall if so required produce the certificate to the person in charge thereof.

Owner to give assistance to inspector.

(4) The owner or person in charge of a place entered by an inspector pursuant to subsection (1) and every person found therein shall give the inspector all reasonable assistance in his power and furnish him with such information as he may reasonably require.

Obstructing inspector.

(5) No person shall obstruct an inspector in the carrying out of his duties under this Act or the regulations.

False statements.

(6) No person shall knowingly make any false or misleading statement either verbally or in writing to any inspector engaged in carrying out his duties under this Act or the regulations.

Interference with articles seized.

(7) No person shall remove, alter or interfere in any way with any article seized under this Act without the authority of an inspector.

Storing of seized articles.

(8) Any article seized under this Act may at the option of an inspector be kept or stored in the building or place where it was seized or may at the direction of an inspector be removed to any other proper place.

Forfeiture

Release of seized articles.

22. (1) An inspector shall release any article seized by him under this Act when he is satisfied that all the provisions of this Act and the regulations with respect thereto have been complied with.

Destruction with consent.

(2) Where an inspector has seized an article under this Act and the owner thereof or the person in whose possession the article was at the time of seizure consents to the destruction thereof, the article is thereupon forfeited to Her Majesty and may be destroyed or otherwise disposed of as the Minister may direct.

Forfeiture upon conviction.

(3) Where a person has been convicted of a violation of this Act or the regulations, the court or judge may order that any article by means of or in relation to which the offence was committed or anything of a similar nature belonging to or in the possession of the accused or found with such article, be forfeited, and upon such order being made, such articles and things are forfeited to Her Majesty and may be disposed of as the Minister may direct.

Order for forfeiture.

(4) Without prejudice to the operation of subsection (3), a judge of a superior, county or district court of the province in which any article was seized under this Act may, on the application of an inspector and on such notice to such persons as the judge directs, order that the article and anything of a similar nature found therewith be forfeited to Her Majesty to be disposed of as the Minister may direct, if the judge finds, after making such inquiry as he considers necessary, that the article is one by means of or in relation to which any of the provisions of this Act or the regulations were violated.

Analysis

Analysis.

23. (1) An inspector may submit any article seized by him or any sample therefrom or any sample taken by him to an analyst for analysis or examination.

Report.

(2) Where an analyst has made an analysis or examination he may issue a certificate or report setting forth the results of his examination or analysis.

Regulations

Regulations.

24. (1) The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect, and, in particular, but not so as to restrict the generality of the foregoing, may make regulations

(a) declaring that any food or drug or class of food or drugs is adulterated if any prescribed substance or class of substances is present therein or has been added thereto or extracted or omitted therefrom;

(b) respecting

- (i) the labelling and packaging and the offering, exposing and advertising for sale of food, drugs, cosmetics and devices,
- (ii) the size, dimensions, fill and other specifications of packages of food, drugs, cosmetics and devices,
- (iii) the sale or the condition of sale of any food, drug, cosmetic or device, and
- (iv) the use of any substance as an ingredient in any food, drug, cosmetic or device,

to prevent the consumer or purchaser thereof from being deceived or misled as to its quantity, character, value, composition, merit or safety or to prevent injury to the health of the consumer or purchaser;

- (c) prescribing standards of composition, strength, potency, purity, quality or other property of any article of food, drug, cosmetic or device;
- (d) respecting the importation of foods, drugs, cosmetics and devices in order to ensure compliance with this Act and the regulations;
- (e) respecting the method of preparation, manufacture, preserving, packing, storing and testing of any food, drug, cosmetic or device in the interest of, or for the prevention of injury to, the health of the consumer or purchaser;
- (f) requiring persons who sell food, drugs, cosmetics or devices to maintain such books and records as the Governor in Council considers necessary for the proper enforcement and administration of this Act and the regulations;
- (g) respecting the form and manner of the Minister's indication under section 12, including the fees payable therefor, and prescribing what premises or what processes or conditions of manufacture, including qualifications of technical staff, shall or shall not be deemed to be suitable for the purposes of that section;
- (h) requiring manufacturers of any drugs described in Schedule E to submit test portions of any batch of such drugs and respecting the form and manner of the Minister's indication under section 13, including the fees payable therefor;
- (i) not inconsistent with this Act, respecting the powers and duties of inspectors and analysts and the taking of samples and the seizure, detention, forfeiture and disposition of articles;
- (j) exempting any food, drug, cosmetic or device from all or any of the provisions of this Act and prescribing the conditions of such exemption;
- (k) prescribing forms for the purposes of this Act and the regulations;
- (l) providing for the analysis of food, drug or cosmetics other than for the purposes of this Act and prescribing a tariff of fees to be paid for such analysis; and
- (m) adding anything to any of the Schedules, in the interest of, or for the prevention of injury to, the health of the consumer or purchaser, or deleting anything therefrom.

Analysts and inspectors.

(2) The Governor in Council may designate as an analyst or inspector any person on the staff of the department for such time as that person is employed in the department or for such time during the period of such employment as he may direct.

Penalties

Penalties.

25. Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable

- (a) on summary conviction for a first offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment, and for a subsequent offence to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment; and
- (b) on conviction upon indictment to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years or to both fine and imprisonment.

Time-limit.

26. A prosecution under paragraph (a) of section 25 may be instituted at any time within twelve months from the time the subject-matter of the prosecution arose.

Venue.

27. A prosecution for a violation of this Act or the regulations may be instituted, heard, tried or determined in the place in which the offence was committed or the subject-matter of the prosecution arose or in any place in which the accused is apprehended or happens to be.

Want of knowledge.

28. (1) Subject to subsection (2), in a prosecution for the sale of any article in contravention of this Act or the regulations, if the accused proves to the satisfaction of the court or judge that

- (a) he purchased the article from another person in packaged form and sold it in the same package and in the same condition the article was in at the time he purchased it, and
- (b) that he could not with reasonable diligence have ascertained that the sale of the article would be in contravention of this Act or the regulations,

the accused shall be acquitted.

Notice.

(2) Subsection (1) does not apply in any prosecution unless the accused, at least ten days before the day fixed for the trial, has given to the prosecutor notice in writing that he intends to avail himself of the provisions of subsection (1) and has disclosed to the prosecutor the name and address of the person from whom he purchased the article and the date of purchase.

Evidence*Certificates of analysis.*

29. (1) A certificate of an analyst stating that he has analyzed or examined an article or a sample submitted to him by an inspector and stating the result of his examination is admissible in evidence in a prosecution for a violation of this Act or the regulations, and is *prima facie* proof of the statements contained in the certificate; the party against whom it is produced may require the attendance of the analyst for the purpose of cross examination; but no such certificate shall be received in evidence unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced, reasonable notice of such intention together with a copy of the certificate.

Name of manufacturer.

(2) Proof that a package containing any article to which this Act or the regulations apply bore a name or address purporting to be the name or address of the person by whom it was manufactured or packaged is *prima facie* proof, in a prosecution for a violation of this Act or the regulations, that the article was manufactured or packaged, as the case may be, by the person whose name or address appeared on the package.

Offence by employees.

(3) In a prosecution for a violation of this Act or the regulations it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not he is identified or has been prosecuted for the offence.

Copies of records.

(4) In a prosecution for a violation of this Act or the regulations a copy of a record or an extract therefrom certified to be a true copy by the inspector who made it pursuant to paragraph (c) of subsection (1) of section 21 is receivable in evidence and is *prima facie* proof of the contents thereof.

Possession of adulterating substances.

(5) Where a person is prosecuted under this Act for having manufactured an adulterated food or drug for sale, and it is established that

- (a) the food or drug has by regulation been declared to be adulterated if any prescribed substance has been added thereto, and
- (b) such person had in his possession or on his premises any such prescribed substance,

the onus of proving that the food or drug was not adulterated by the addition of such substance lies on the accused.

Exports

Exports.

30. This Act does not apply to any packaged food, drug, cosmetic or device, not manufactured for consumption in Canada and not sold for consumption in Canada, if the package is marked in distinct overprinting with the word "Export", and a certificate that the package and its contents do not contravene any known requirement of the law of the country to which it is or is about to be consigned, has been issued in respect thereof in prescribed form and manner.

Coming into Force and Repeal

Coming into force.

31. (1) This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

(2) If this Act comes into force before the day on which the Revised Statutes of Canada, 1952, come into force, then the *Food and Drugs Act*, chapter 76 of the Revised Statutes of Canada, 1927, is repealed on the day this Act comes into force and the *Food and Drugs Act*, chapter 123 of the Revised Statutes of Canada, 1952, is repealed on the day the Revised Statutes of Canada, 1952, come into force.

Idem.

(3) If this Act comes into force on or after the day on which the Revised Statutes of Canada, 1952, comes into force, then the *Food and Drugs Act*, chapter 123 of the Revised Statutes of Canada, 1952, is repealed on the day this Act comes into force.

SCHEDULE A

Alcoholism	Infantile Paralysis
Appendicitis	Influenza
Arteriosclerosis	Lockjaw
Blood Poisoning	Locomotor Ataxia
Bright's Disease	Obesity
Cancer	Pleurisy
Diabetes	Pneumonia
Diphtheria	Ruptures
Disorders of menstrual flow	Scarlet Fever
Disorders of the prostatic gland	Sexual Impotence
Dropsy	Small Pox
Epilepsy	Spinal Meningitis
Erysipelas	Trachoma
Gallstones, Kidney Stones, Bladder Stones	Tuberculosis
Gangrene	Tumours
Goitre	Typhoid Fever
Heart Diseases	Ulcers of the gastro-intestinal tract
High Blood Pressure	Venereal Diseases

SCHEDULE B

Pharmacopoea Internationalis	The Canadian Formulary
The British Pharmacopoeia	The British Pharmaceutical Codex
Pharmacopoeia of the United States	The National Formulary
Codex Français	New and Nonofficial Remedies

SCHEDULE C

Liver extract injectable
Liver extract injectable with other medication
Liver extract injectable crude
Liver extract injectable crude with other medication
Insulin
Insulin made from zinc-insulin crystals
Protamine zinc insulin
Globin insulin with zinc
NPH Insulin
Anterior pituitary extracts
Radioactive isotopes

SCHEDULE D

Living vaccines for oral or parenteral use
Drugs prepared from micro-organisms or viruses for parenteral use
Sera and drugs analogous thereto for parenteral use
Antibiotics for parenteral use

SCHEDULE E

Arsphenamine
Dichlorophenarsine Hydrochloride
Neoarsphenamine
Oxophenarsine Hydrochloride
Sulpharsphenamine

SCHEDULE F

Adrenocorticotrophic Hormone (ACTH)
Aminopyrine and any salt, homologue, or derivative thereof
Amphetamine and any salt thereof
Aureomycin and any salt or derivative thereof
Barbituric acid and any salt, homologue, or derivative thereof
Chloramphenicol
Cinchophen and Neocinchophen
Cortisone
Dihydrostreptomycin and any compound thereof
2, 4-dinitrophenol and any compound, homologue, or derivative thereof
Methamphetamine and any salt thereof
Penicillin, its salts or derivatives, or preparations thereof, excluding preparations for oral use that contain not more than 3,000 International Units per dose
Phenytoin Sodium
Selenium and any compound thereof
Streptomycin and any compound thereof
Sulphonamides and any salt, homologue, or derivative thereof
Terramycin and any compound thereof
Tetraethylthiuram disulphide
Thiouracil and any homologue, or derivative thereof
Thyroid
Thyroxin and any salt thereof
Urethane

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All E.R.	All England Reports.
B.C.R.	British Columbia Reports.
C.C.C.	Canadian Criminal Cases.
D.L.R.	Dominion Law Reports.
East, P.C.	East's Pleas of the Crown.
E.R.	English Reports.
L.J.C.P.	Law Journal, Common Pleas.
L.J.M.C.	Law Journal, Magistrate's Cases.
L.J.P.C.	Law Journal, Privy Council.
L.R.C.P.	Law Reports, Common Pleas.
Man. R.	Manitoba Reports.
M & S	Maule and Selwyn's Reports.
M & W	Meeson and Welsby's Reports.
O.A.R.	Ontario Appeal Reports.
O.R.	Ontario Reports.
Q.B.	Law Reports, Queen's Bench (1891-1901).
Q.B.D.	Law Reports, Queen's Bench Division (1875-1890).
S.C.R.	Supreme Court Reports.
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F. V. & H. Regs.	Fruit, Vegetables and Honey Regulations
L. S. & L. S. P. Act	Live Stock and Live Stock Products Act
L. S. & L. S. P. Regs.	Live Stock and Live Stock Products Regulations
M. & C. F. Act	Meat and Canned Foods Act
M. & C. F. Regs.	Meat and Canned Foods Regulations
O. & N. D. Act	Opium and Narcotic Drug Act
O. & N. D. Regs.	Opium and Narcotic Drug Regulations
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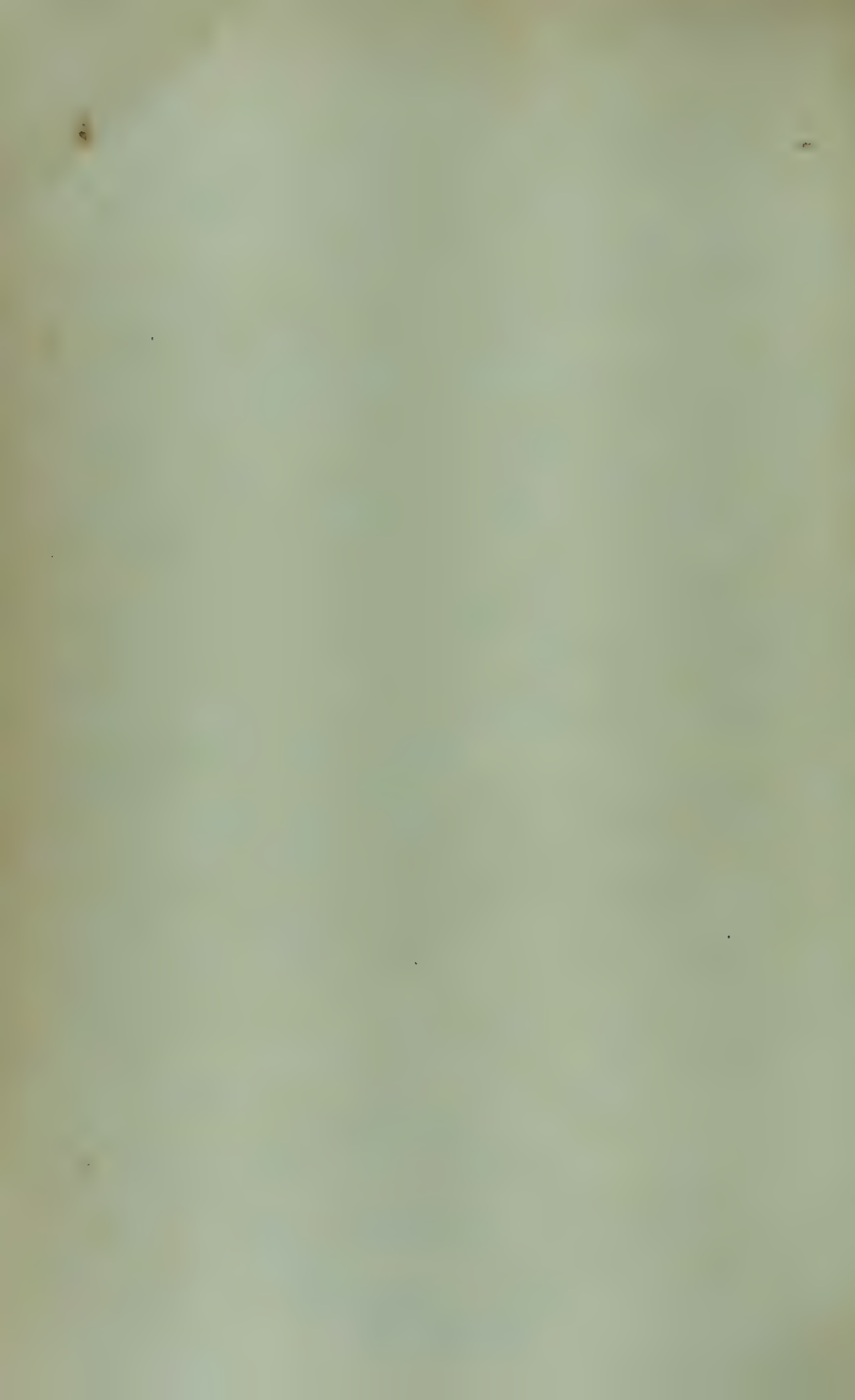
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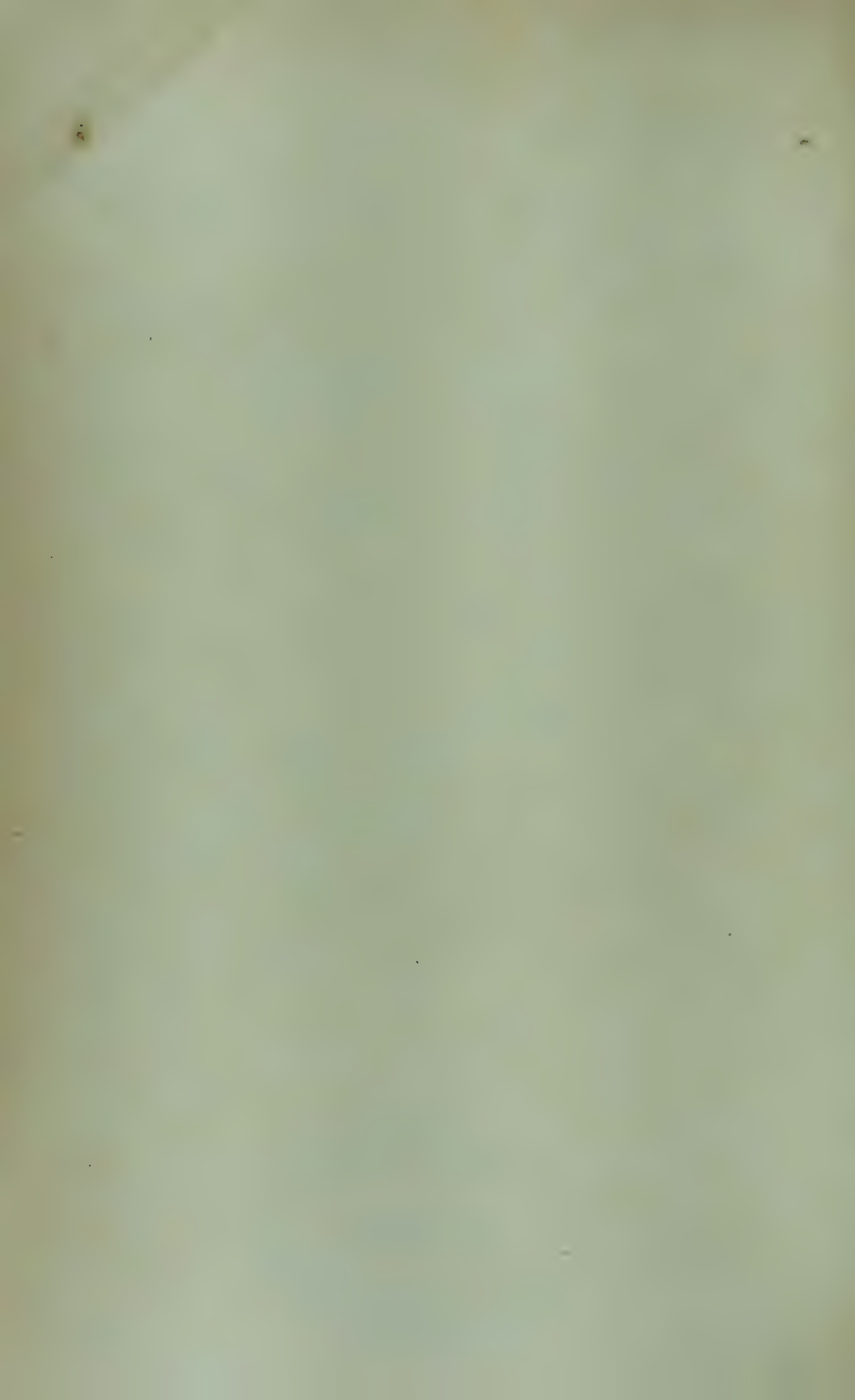
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